

1973 WL 26908 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 3, 1973

*1 Captain Ivo Meisner, JAGC
Legal Assistance Officer
Department of the Army
Headquarters, USAG,
Fort Wainwright
APO Seattle 98731

Dear Captain Meisner:

Your letter of September 21, 1973 in which you requested information as to child support payments ordered by an out-of-state court has been referred to me.

South Carolina, along with the other states, has enacted the Uniform Reciprocal Enforcement of Support Act which provides: Duties of support applicable under this article are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown. § 20-318 S.C. Code Ann. 1962.

In the case where the obligor is present or presumed to be present in South Carolina, the duty of support seems to extend to children under 21 unless the child marries or becomes self supporting. The support duty may be extended beyond the age of 21 if the child has physical or mental disabilities or other circumstances warrant an extension. § 15-1095.24(9)(3), (4) S. C. Code Annotated 1962. § 20-303 S.C. Code Ann. 1962. § 15-1095 is the Family Court Act and May apply only to the Family Court. However, this is the last expression of the Legislature's intent and will likely be followed in other courts of competent jurisdiction.

The South Carolina case of [Gardner v. Gardner](#), 253 S.C. 296, 170 S.E.2d 372 (1969), held that the decree of a Nevada Court for support payments could be adopted by the South Carolina courts and be enforced in this state. Therefore, it may be that the South Carolina court will apply the provisions of the court which ordered the child support payments.

I hope this satisfactorily answers your inquiries. If this Office can be of further service, please call on us.

Very truly yours,

C. Dukes Scott
Law Clerk

1973 WL 26908 (S.C.A.G.)

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.