

1980 WL 120716 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 16, 1980

***1 RE: Opinion of the Attorney General No. ____ (April 25, 1980)**

The Honorable C. Marshall Cain
Lybrand, Rich, Cain, Simons & Maxwell
Post Office Box 939
Aiken, South Carolina 29801

Dear Representative Cain:

Thank you for your follow-up letter referenced the above and containing additional facts descriptive of the relationship of the adoptive siblings. At page two (2) of your letter you stated ‘. . . the parties did not grow up together in the same household and never lived in the same household at all after the adoption was granted.’ Your letter indicates, that the parties in question never lived together in the same household as brother and sister. At page nine (9) of the Opinion of this Office dated April 25, 1980, concerning marriage of adoptive siblings, it was stated

. . . the constitutional application of § 20-1-10 probably depends upon whether in a particular situation the adoptive sibling has been a part of the family household for any period of time or whether instead he or she was adopted after other siblings had left the household.

It is, thus, the opinion of this Office that the application of [§ 20-1-10, Code of Laws of South Carolina](#), 1976, to prohibit a marriage under the stated facts would controvert the Constitution. Accordingly, if the Probate Court is satisfied that the facts are as above stated, I would advise that [§ 20-1-10](#) should not prevent the issuance of the marriage license.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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