

1977 WL 37326 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 28, 1977

*1 Representative S. Norwood Gasque
220 E. Main Street
Latta, South Carolina 29565

Dear Representative Gasque:

In response to your telephone inquiries last week, I can find no statute requiring a readjudication of mental incompetency as an incident to a change in the committee of a mentally incompetent person. The pertinent statutory provisions are silent as to the procedure to be followed with regard to a change in the committee and mention only that a hearing as to continued mental incompetency is needed if a petition alleging competency is filed. See, Sections 32-1035 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.).

As to the second matter, in my opinion, Article II, Section 4 of Act No. 690 of 1976 (59 STAT. 1859 (1976)) contemplates that a member of the legislature may run for the office of family court judge without resigning but must resign before he is elected.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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