

1976 WL 30702 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1976

*1 Mr. C. H. Hellams, Jr.
Chairman
Social Concerns
Grace United Methodist Church
P. O. Box 446
Union, South Carolina 29379

Dear Mr. Hellams:

You have requested an opinion as to whether the Union County Family Court has been declared unconstitutional. On December 10, 1975, the South Carolina Supreme Court declared several statutes unconstitutional as violative of Article V, Section 1 of the South Carolina Constitution. The Supreme Court held in part:

Act No. 488 of the 1973 Acts of the General Assembly is hereby declared unconstitutional. David N. Wilburn, Jr., is hereby enjoined from further exercise of the duties of the office of Judge of the Family Court of Union County. The Civil and Criminal Court of Union County, of which David N. Wilburn, Jr., is the judge, continues with the same jurisdiction exercised on April 4, 1973. . . . State, ex rel. McLeod v. The Court of Probate of Colleton County, et al., — S.C. —, — S.E.2d — (Opinion No. 20129 filed December 10, 1975), Slip Op. at 24.

On March 3, 1976, the Supreme Court ordered that cases pending in the Union County Family Court be disposed of as follows:

. . . All unfinished cases of a criminal nature and cases which involve delinquent, neglected, and abandoned children, youthful offenders and their supervision and probation, heretofore pending in the Family Court of Union County, are hereby transferred to the Union County Court. Such action as the Union County Court has taken heretofore in these matters is hereby validated and approved. State, ex rel. McLeod v. The Court of Probate of Colleton County, et al., — S.C. —, — S.E.2d — (Order filed March 3, 1976, Supplementing Opinion No. 20129), Slip Op. at 23-4.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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