

1975 WL 28922 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 16, 1975

***1 Re: Establishment of Paternity**

Dr. R. Archie Ellis
Commissioner
South Carolina Department of Social Services
P. O. Box 1520
Columbia, South Carolina 29202

Dear Dr. Ellis:

I am writing in response to your letter dated May 13, 1975, regarding the need of revising your present regulation concerning the establishment of legal paternity. At this time it does not appear that the Department of Social Services regulation 2011.3 is in need of revision because of conflict with South Carolina Law. The three (3) year statute of limitation which is cited at § 15-1383, Code of S.C., 1962, as amended, appears to be applicable only in paternity proceedings in Childrens Court. There is now a civil paternity procedure available in the Family Courts at § 15-1095.27.

In [McClohon v. Harlan](#) 254 S.C. 207, 215, 174 S.E., 2d 753 (1970), the S.C. Supreme Court recognized § 15-1095.27 as the sole civil paternity procedure available in South Carolina. Therefore it appears that civil paternity actions may be maintained in the Family Courts of South Carolina in accord with regulation 2011.3 of the Department of Social Services as it is now written, notwithstanding any limitation imposed by § 15-1383 of a paternity procedure in Childrens Court. This is not intended to be an opinion as to the scope of § 15-1383, Code of Laws of S.C., 1962, as amended, but if you have need of this please feel free to call on this office for the same.

With kindest regards, I remain
Very truly yours,

Edwin E. Evans
Assistant Attorney General

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