

1974 S.C. Op. Atty. Gen. 134 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3762, 1974 WL 21277

Office of the Attorney General

State of South Carolina

Opinion No. 3762

April 25, 1974

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Legal Services Agency of Greenville  
County, Inc.  
Second Floor, Insurance Building  
135 South Main Street  
Greenville, South Carolina 29601

Dear Sir:

Your letter of recent date addressed to the Attorney General has been referred to me for consideration and reply.

You ask who has the authority to appoint and interim Family Court Judge in Greenville County in light of the recent illness of Judge Roper and his inability to preside.

Section 15–1095.3(d), Code of Laws of South Carolina (1962), 1973 Cum. Supp., provides as follows:

‘In the event a family court judge is absent or incapacitated, a temporary or substitute judge shall be appointed to serve during the period the regularly-appointed judge shall be absent or disabled, such temporary or substitute judge to be appointed by the resident or presiding judge of the circuit court of the circuit in which the court is located. In district family courts temporary or substitute judges shall be appointed by the resident or presiding judges of the circuit courts of the circuits of which the counties composing the district are a part.’

I am not aware of any provision affecting the Family Court of Greenville County which would not bring it within the purview of Section 15–1095.3, and therefore the authority clearly lies with the resident or presiding judge of the circuit court.

Very truly yours,

Raymond G. Halford  
Assistant Attorney General

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