

Session 118 - (2009-2010)

S 0571 General Bill, By Elliott

Summary: Probate court

A BILL TO AMEND SECTION 62-1-302, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF CASES FROM PROBATE COURT TO CIRCUIT COURT, SO AS TO PROVIDE A PROBATE COURT MUST MAKE A FINDING OF GOOD CAUSE BEFORE A CASE MAY BE REMOVED FROM PROBATE COURT TO CIRCUIT COURT; TO PROVIDE A PROBATE COURT SHALL HOLD A HEARING ON A PARTY'S MOTION FOR REMOVAL AND ISSUE A WRITTEN ORDER MAKING A SPECIFIC FACTUAL FINDING THAT GOOD CAUSE FOR THE REMOVAL DOES NOT EXIST; AND TO PROVIDE REMOVAL FROM PROBATE COURT TO CIRCUIT COURT OF A MATTER WITHIN THE EXCLUSIVE JURISDICTION OF THE PROBATE COURT ONLY APPLIES TO THE PARTICULAR ACTION OR PROCEEDING BEING REMOVED, AND THE PROBATE COURT OTHERWISE RETAINS CONTINUING AND EXCLUSIVE JURISDICTION.

03/11/09 Senate Introduced and read first time SJ-6

03/11/09 Senate Referred to Committee on Judiciary SJ-6

03/13/09 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin, Mulvaney