

## **Probate Court**

### **General Information:**

#### **Probate-**

Probate is the process of transferring property of a deceased person into the names of the heirs or devisees. Probate takes a minimum of nine months to complete. State law requires that a will be filed for probate within 30 days from the date of death. If there is no will, the heirs are determined by state law.

#### **Marriage License-**

To obtain a marriage license both parties must appear to file an application. State law requires that anyone applying for a marriage license must have legal identification and a Social Security card. Applicants under the age of 21 must have their birth certificate, and under the age of 18 must have parent's consent. No one under the age of 16 can apply for a marriage license. Our fee for a marriage license is \$45.00 – CASH ONLY. There is a twenty-four hour waiting period from the time you apply until the license can be issued. The license can only be used in South Carolina. After the ceremony, the license is returned to our office. We also issue Marriage Certificates (a certified copy of the license) for a fee of \$5.00.

#### **Guardians and Conservators-**

A Guardian is appointed by the Court to provide care and supervision of an incapacitated person. A Conservator is appointed by the Court to manage the assets of a protected person. The Probate Court supervises these appointments. Conservators are required by state law to file an accounting each year with the Probate Court.

#### **Orders of Detention-**

The Probate Court has the authority to issue an Order of Detention. An Order of Detention is issued so that the police can transport a person to be examined for possible commitment for alcohol/drug abuse/ or mental illness. The Probate Court DOES NOT commit anyone to an institution. Before contacting the Probate Court about an Order of Detention you must speak with someone at Catawba Mental Health Center.

#### **Genealogy-**

People from all over the country come to Chester County to research their family history. Our estate records start in the late 1780's. Prior to that time, Chester County was part of Craven District. It is our understanding that the records for Craven District are in Kershaw County or the SC Department of Archives and History in Columbia, SC. We do not have the staff to do research, but we will be glad to copy files for a fee of \$.50 per sheet.

In Chester County, the marriage records begin in 1911.