

SUPREME COURT OF RHODE ISLAND

Margaret-Mary Hovarth v. Walter R. Craddock

828 A.2d 1212 (R.I. 2003) · No. No. 2002-299-Appeal · Decided May 23, 2003

SUMMARY

The Rhode Island Supreme Court held that the Family Court lacked jurisdiction to adjudicate a post-divorce request for an accounting of custodial assets established under the UGMA and UTMA. The court affirmed the denial of the mother's motion, concluding that the UTMA expressly vested jurisdiction in the Probate Court and that the divorce proceedings did not provide an independent basis for Family Court jurisdiction.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	WILLIAMS, C.J.; FLANDERS, J.; GOLDBERG, J.
JURISDICTION	Rhode Island
DECIDED	May 23, 2003
DOCKET	No. 2002-299-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a Family Court magistrate's order denying her motion to require the father to provide an accounting of custodial property held under the former Uniform Gifts to Minors Act and the Uniform Transfers to Minors Act.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court per curiam opinion
PARTIES	Margaret-Mary Hovarth v. Walter R. Craddock

TOPICS

- family law procedure
- probate procedure
- statutory interpretation
- appellate procedure
- dissolution of marriage

PRACTICE AREAS

- family law
- probate
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Rhode Island Family Court had jurisdiction to adjudicate a post-divorce request for an accounting and delivery of custodial property under the Uniform Transfers to Minors Act.
2. Whether the Family Court could exercise jurisdiction because the parties had previously been subject to its divorce and child-custody jurisdiction.
3. Whether the daughter's attainment of majority before adjudication independently precluded the Family Court from hearing the mother's UTMA claims.

HOLDINGS

1. The Family Court lacked jurisdiction over actions brought under the UTMA because the statute expressly defined the relevant court as the probate court and did not confer jurisdiction on the Family Court.
2. The Family Court could not hear the mother's UTMA claims because the daughter had attained the age of majority by the time the Family Court adjudicated the matter, and the mother was not seeking child-support or educational-expense relief under a prior order.

KEY QUOTATIONS

“We hold that the Family Court lacks jurisdiction over actions brought under UTMA because UTMA expressly confers jurisdiction on the Probate Court and no other provision allows the Family Court to assume jurisdiction of this request.” (828 A.2d at 1214)

“Because the Legislature has not conferred jurisdiction on the Family Court for actions brought under UTMA and because Katherine had reached the age of majority when the Family Court ruled on these claims, we hold that the magistrate correctly concluded that the Family Court could not entertain the mother's UTMA claims in this case.” (828 A.2d at 1215)

FACTUAL BACKGROUND

The parties established savings, mutual-fund, and stock accounts for their daughter under UGMA and UTMA. The parties divorced in 1988, and the father thereafter exercised exclusive control over the accounts. In September 2001, shortly before the daughter's eighteenth birthday, the mother sought an accounting and delivery of custodial property in Family Court. The father asserted that he had exhausted the account funds approximately ten years earlier and no longer possessed related records.

PROCEDURAL HISTORY

After the parties' 1988 divorce, the father retained exclusive control of custodial accounts established for their daughter. Shortly before the daughter's eighteenth birthday, the mother sought an accounting and delivery of custodial property in Family Court. The Family Court magistrate denied the motion for lack of jurisdiction and lack of standing, and the Supreme Court of Rhode Island affirmed.

DISPOSITION

affirmed

CASES CITED

- Barone v. O'Connell, 785 A.2d 534, 535 (R.I. 2001) (per curiam)
- Lubecki v. Ashcroft, 557 A.2d 1208, 1213 (R.I. 1989)
- Waldeck v. Piner, 488 A.2d 1218, 1220 (R.I. 1985)
- Rubano v. DiCenzo, 759 A.2d 959, 964-67 (R.I. 2000)
- Adam v. Adam, 624 A.2d 1093, 1098 (R.I. 1993)

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