

SUPERIOR COURT OF PENNSYLVANIA

Keating v. Keating

855 A.2d 80 (Pa. Super. Ct. 2004) · Decided July 16, 2004

SUMMARY

The Pennsylvania Superior Court held that a Guam divorce decree was not entitled to recognition because the wife received neither notice nor an opportunity to be heard in the Guam proceedings. The court further held that the wife was not estopped from challenging the decree and affirmed the declaratory judgment recognizing her as the decedent’s legal widow.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Gantman, J.; Beck, J.; Musmanno, J.
JURISDICTION	Pennsylvania
DECIDED	July 16, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jung Suk Keating appealed from a declaratory judgment declaring Jean M. Keating to be the legal widow of Benjamin F. Keating, Jr.
STANDARD OF REVIEW	In a declaratory judgment action, the appellate court determines whether the trial court clearly abused its discretion or committed an error of law; factual findings are set aside only when unsupported by adequate evidence, while application of law is reviewed independently.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jung Suk Keating v. Jean M. Keating

TOPICS

- family law procedure
- marriage
- due process
- full faith and credit
- civil procedure

PRACTICE AREAS

- family law
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether Pennsylvania was required to give full faith and credit to the Guam divorce decree when Jean received no notice or opportunity to be heard in the Guam proceeding.
2. Whether Jean was equitably estopped from collaterally attacking the Guam divorce decree based on her receipt of spousal support and Benjamin's interest in the marital home.

HOLDINGS

1. Pennsylvania need not give full faith and credit to the Guam divorce decree because Jean was not afforded notice or a fair opportunity to be heard; the decree was therefore a nullity, and Jean remained Benjamin's legal wife at the time of his death.
2. Jean was not equitably estopped from collaterally attacking the Guam divorce decree because the evidence did not establish that she accepted spousal support or the marital-home interest in reliance on or acquiescence to the decree.

KEY QUOTATIONS

“the Full Faith and Credit clause does not require a court to recognize a judgment rendered without jurisdiction or without notice and fair opportunity to be heard.” (¶ 9)

“we hold the trial court properly determined Jean was the legal wife of Ben at the time of his death, because she had no notice or opportunity to be heard in the Guam divorce proceeding.” (¶ 14)

FACTUAL BACKGROUND

Benjamin and Jean Keating married in 1946 and separated without divorcing in Pennsylvania. In 1987, Benjamin obtained a divorce in Guam after satisfying Guam's residency requirements, but Jean received no notice of the proceeding and did not learn of the decree until after Benjamin's death. Benjamin married Jung Suk two days after the Guam divorce and later continued paying Jean spousal support and transferred his interest in their former marital home to her. After the Office of Personnel Management identified competing claims to Benjamin's survivor annuity, Jean sought a declaration that she remained Benjamin's legal wife at his death.

PROCEDURAL HISTORY

Jean sought a declaratory judgment after the Office of Personnel Management identified competing claimants to Benjamin's federal civil-service survivor annuity and advised her to obtain a state-court determination of the validity of her marriage. After an evidentiary hearing, the Court of Common Pleas declared Jean to be Benjamin's legal widow, concluding that the Guam divorce was a nullity because Jean received no notice or opportunity to be heard and was not estopped from challenging it. The Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Erie Ins. Exchange v. Muff, 851 A.2d 919, 925 (Pa. Super. Ct. 2004)

- *Stambaugh v. Stambaugh*, 458 Pa. 147, 329 A.2d 483 (1974)
- *Banes v. Buck*, 464 Pa. 357, 346 A.2d 778 (1975)
- *Barnes*
- *Commonwealth v. Custer*, 145 Pa. Super. 535, 21 A.2d 524 (1941)
- *Lowenschuss v. Lowenschuss*, 396 Pa. Super. 531, 579 A.2d 377 (1990), appeal denied, 527 Pa. 611, 590 A.2d 297 (1991)
- *Ecker v. Ecker*, 36 Pa. D. & C.4th 104 (Allegheny Cty. 1997), aff'd, 701 A.2d 786 (Pa. Super. Ct. 1997), appeal denied, 553 Pa. 689, 717 A.2d 1028 (1998)
- *Nationwide Mut. Ins. Co. v. Wickett*, 563 Pa. 595, 763 A.2d 813 (2000)
- *Motorists Mut. Ins. Co. v. Pinkerton*, 574 Pa. 333, 830 A.2d 958 (2003)