

SUPREME COURT OF RHODE ISLAND

Donald Tinney v. Kevin Tinney, a/k/a Kevin Jacob Koellisch, et al.

799 A.2d 235 (R.I. 2002) · No. No. 2001-51-Appeal · Decided May 20, 2002

SUMMARY

The Rhode Island Supreme Court considered whether an adult adoptee was entitled to inherit from a deceased adoptive parent under the state's intestate succession statutes. The court held that the statutory term "child" includes a son or daughter regardless of age and does not distinguish between persons adopted as minors and adults. The court affirmed summary judgment in favor of the adult adoptee.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Bourcier, J.; Lederberg, J.; Flanders, J.; Goldberg, J.
JURISDICTION	Rhode Island
DECIDED	May 20, 2002
DOCKET	No. 2001-51-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court final judgment granting the defendant's cross-motion for summary judgment and declaring that an adult adoptee was entitled to share in the intestate distribution of his adoptive mother's estate.
STANDARD OF REVIEW	Statutory interpretation is reviewed as a question of law. The court applies the plain and ordinary meaning of clear and unambiguous statutory language. Summary judgment is appropriate where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the material facts here were undisputed.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Donald Tinney v. Kevin Tinney, a/k/a Kevin Jacob Koellisch, Administrator of Ruth E. Tinney's estate

TOPICS

- intestacy
- probate
- statutory interpretation
- plain meaning rule
- appellate procedure

PRACTICE AREAS

probate

estate administration

intestacy

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether an adult adoptee is a 'child' within the meaning of Rhode Island General Laws § 15-7-16(a) and therefore has the right to inherit from an adoptive parent under the laws of intestate succession.
2. Whether Rhode Island's adoption statutes distinguish between the inheritance rights of persons adopted as minors and persons adopted as adults.

HOLDINGS

1. An adult adoptee is a 'child' under G.L. 1956 § 15-7-16(a) and is entitled to inherit from an adoptive parent in the same manner as a child born to that parent in lawful wedlock.

KEY QUOTATIONS

“when the language of a statute is clear and unambiguous, this Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” (799 A.2d at 237)

“It is clear that the Legislature intended the term “child” to mean son or daughter of a parent, regardless of age, and that there was no distinction intended between the inheritance rights of a “child” adopted as a minor and “persons” adopted as adults.” (799 A.2d at 237-38)

FACTUAL BACKGROUND

On October 11, 1990, Ruth E. Tinney, then eighty-four years old, adopted Kevin Tinney, who was thirty-eight, in an adult adoption proceeding in Newport Probate Court. Ruth died intestate on December 18, 1995. Kevin later petitioned to probate Ruth's personal estate, identifying himself and Ruth's biological son, Donald Tinney, as heirs and claiming a one-half interest under Rhode Island law.

PROCEDURAL HISTORY

Ruth E. Tinney adopted Kevin Tinney, an adult, in 1990 and died intestate in 1995. Kevin petitioned to probate her personal estate and claimed a one-half inheritance interest. Donald Tinney filed an action for declaratory judgment contending that an adult adoptee could not inherit under Rhode Island law. The Superior Court denied Donald's motion for summary judgment, granted Kevin's cross-motion, and entered judgment for Kevin; Donald timely appealed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers of the case were to be returned to the Superior Court. No further substantive remand instruction was given.

CASES CITED

- Tinney v. Tinney, 770 A.2d 420 (R.I. 2001)
- R & R Associates v. City of Providence Water Supply Board, 765 A.2d 432, 436 (R.I. 2001)
- Cardarelli v. DET Board of Review, 674 A.2d 398, 400 (R.I. 1996)
- Brouillette v. DET Board of Review, 677 A.2d 1344, 1346 (R.I. 1996)
- Mottola v. Cirello, 789 A.2d 421, 423 (R.I. 2002)
- Accent Store Design, Inc. v. Marathon House, Inc., 674 A.2d 1223, 1226 (R.I. 1996)
- Batcheller-Durkee v. Batcheller, 39 R.I. 45, 49, 97 A. 378, 379 (1916)
- In re Lisa Diane G., 537 A.2d 131, 132 (R.I. 1988)
- In re Adoption of a Minor Child, 109 R.I. 443, 450, 287 A.2d 115, 118-19 (1972)
- Prince v. Nugent, 93 R.I. 149, 168, 172 A.2d 743, 754 (1961)

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