

SUPREME COURT OF CALIFORNIA

Doner-Griswold v. See

25 Cal. 4th 904 (2001) · Decided June 21, 2001

SUMMARY

The California Supreme Court considered whether Probate Code section 6452 barred the half siblings of a person born out of wedlock from inheriting through that person. The court held that the decedent’s natural father acknowledged paternity by confessing it in an Ohio court and satisfied the statutory support requirement by paying court-ordered child support, even though he never had contact with the child. Accordingly, section 6452 did not bar the half siblings from sharing in the decedent’s intestate estate.

CASE DETAILS

|                       |                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of California                                                                                                                                |
| WRITING FOR THE COURT | Baxter, J.; George, C. J.; Kennard, J.; Werdegar, J.; Chin, J.                                                                                             |
| JURISDICTION          | California                                                                                                                                                 |
| DECIDED               | June 21, 2001                                                                                                                                              |
| DISPOSITION           | affirmed                                                                                                                                                   |
| PROCEDURAL POSTURE    | Review of a Court of Appeal decision reversing a probate court order denying a petition to determine entitlement to distribution from an intestate estate. |
| STANDARD OF REVIEW    | The court independently construed the applicable statutes and determined the legal effect of the undisputed facts and the Ohio paternity judgment.         |
| PRECEDENTIAL VALUE    | Published California Supreme Court opinion; precedential.                                                                                                  |

TOPICS

- intestacy
- probate procedure
- statutory interpretation
- legislative history
- estate administration

PRACTICE AREAS

- Probate
- Intestate succession
- Statutory interpretation
- Parentage

QUESTIONS PRESENTED

1. Whether Draves's in-court confession of paternity constituted an acknowledgment of Griswold under Probate Code section 6452.
2. Whether the 1941 Ohio bastardy judgment established Draves as Griswold's natural parent under Probate Code section 6453, subdivision (b)(1), for purposes of intestate succession.
3. Whether the absence of contact or communication between Griswold and Draves or Draves's other children precluded the half siblings from inheriting through Draves under Probate Code section 6452.

## HOLDINGS

1. A father's knowing and voluntary confession of paternity in a court proceeding satisfies section 6452's acknowledgment requirement, even when the father and child never had personal contact and the father did not disclose the child to his other children, absent evidence of subsequent disavowal or purposeful concealment.
2. The 1941 Ohio bastardy judgment was a court order entered during Draves's lifetime declaring paternity and established Draves as Griswold's natural parent for purposes of Probate Code sections 6452 and 6453.
3. Section 6452 does not categorically bar inheritance by a natural parent's relatives merely because the relatives had no contact with, or were unknown to, the deceased child, where the statutory acknowledgment and support requirements were satisfied.

## KEY QUOTATIONS

*“Under the plain terms of section 6452, the only sustainable conclusion on this record is that Draves acknowledged Griswold.”* (911)

*“In sum, we find that the 1941 Ohio judgment was a court order “entered during the father’s lifetime declaring paternity” (§ 6453, subd. (b)(1)), and that it establishes Draves as the natural parent of Griswold for purposes of intestate succession under section 6452.”* (924)

*“Succession to estates is purely a matter of statutory regulation, which cannot be changed by the courts.”* (924)

## FACTUAL BACKGROUND

Denis H. Griswold died intestate in 1996, survived by his wife, and left an estate consisting entirely of separate property. Griswold had been born out of wedlock; in 1941, John Edward Draves appeared in an Ohio bastardy proceeding, confessed that he was Griswold's father, and was ordered to pay support, which he did for 18 years. Draves later had two other children, Margaret and Daniel, who did not know of Griswold's existence until after Griswold and Draves had died.

## PROCEDURAL HISTORY

Doner-Griswold, the surviving spouse and administrator, petitioned for final distribution of Griswold's estate to herself as sole heir. See, an assignee of interests held by Griswold's half siblings, objected and petitioned to

determine entitlement to distribution. The probate court denied See's petition, but the Court of Appeal reversed. The California Supreme Court granted Doner-Griswold's petition for review and affirmed the Court of Appeal.

#### DISPOSITION

affirmed

#### CASES CITED

- Day v. City of Fontana, 25 Cal. 4th 268 (2001)
- People v. Lawrence, 24 Cal. 4th 219 (2000)
- Powers v. City of Richmond, 10 Cal. 4th 85 (1995)
- Estate of De Cigaran, 150 Cal. 682 (1907)
- Lozano v. Scalier, 51 Cal. App. 4th 843 (1996)
- Blythe v. Ayres, 96 Cal. 532 (1892)
- Estate of Gird, 157 Cal. 534 (1910)
- Estate of McNamara, 181 Cal. 82 (1919)
- Wong v. Young, 80 Cal. App. 2d 391 (1947)
- In re Jerry R., 29 Cal. App. 4th 1432 (1994)
- People v. Masbruch, 13 Cal. 4th 1001 (1996)
- Belridge Farms v. Agricultural Labor Relations Bd., 21 Cal. 3d 551 (1978)
- Estate of Baird, 193 Cal. 225 (1924)
- Estate of Ginochio, 43 Cal. App. 3d 412 (1974)
- California Fed. Savings & Loan Assn. v. City of Los Angeles, 11 Cal. 4th 342 (1995)
- Estate of Corcoran, 7 Cal. App. 4th 1099 (1992)
- Ruddock v. Ohls, 91 Cal. App. 3d 271 (1979)
- Weir v. Ferreira, 59 Cal. App. 4th 1509 (1997)
- Guardianship of Claralyn S., 148 Cal. App. 3d 81 (1983)
- Estate of Camp, 131 Cal. 469 (1901)
- Birman v. Sproat, 47 Ohio App. 3d 65, 546 N.E.2d 1354 (1988)
- Beck v. Jolliff, 22 Ohio App. 3d 84, 489 N.E.2d 825 (1984)
- Pease v. Pease, 201 Cal. App. 3d 29 (1988)
- Trimble v. Gordon, 430 U.S. 762 (1977)

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