

SUPREME COURT OF FLORIDA

In re Estate of Charles W. Smith, Deceased. Dale S. Wilson, et al.,
Petitioners/Appellants, v. Shirley I. Scruggs, Respondent/Appellee.

In re Estate of Charles W. Smith, Deceased. Dale S. Wilson, et al., Petitioners/Appellants, v. Shirley I. Scruggs,
Respondent/Appellee., 685 So. 2d 1206 (Fla. 1996) (Fla. 1996) · No. Nos. 84385, 84386

SUMMARY

The Florida Supreme Court held that the four-year statute of limitations for paternity actions, § 95.11(3)(b), Fla. Stat., applies to paternity adjudications brought in probate under § 732.108(2)(b) for intestate succession, because the statute’s plain language covers all actions relating to paternity and no probate exemption exists. The court also held that applying the limitations period to bar a paternity claim for heirship does not violate equal protection or access to courts, as the claim was extinguished before any statutory amendment and a vested property right to be free from the claim accrued. The decision quashed the district court’s ruling and reinstated dismissal of the untimely claim.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Grimes; Kogan; Overton; Shaw; Harding; Wells; Anstead
JURISDICTION	Florida
DOCKET	Nos. 84385, 84386
DISPOSITION	quashed_and_remanded
PROCEDURAL POSTURE	On appeal from reversal of dismissal of paternity claim in probate; conflict review granted by Florida Supreme Court.
STANDARD OF REVIEW	De novo (statutory interpretation and constitutional validity)
PRECEDENTIAL VALUE	binding_supreme_court_opinion
PARTIES	Dale S. Wilson, et al. v. Shirley I. Scruggs

TOPICS

- paternity
- statute of limitations
- probate
- constitutional law

PRACTICE AREAS

- Probate
- Family Law
- Constitutional Law

QUESTIONS PRESENTED

1. Whether Florida's four-year statute of limitations for paternity actions, § 95.11(3)(b), applies to paternity adjudications brought in probate under § 732.108(2)(b) for purposes of intestate succession.
2. Whether applying § 95.11(3)(b) to bar a paternity claim brought for heirship violates constitutional equal protection or access to courts.

HOLDINGS

1. Section 95.11(3)(b)'s four-year limitation applies to any action relating to determination of paternity, including those brought in probate under § 732.108(2)(b) for intestate succession, because the statute's plain language covers all such actions and no probate code provision exempts them.
2. Application of § 95.11(3)(b) to Scruggs' paternity claim for heirship does not violate the constitution because her claim had been extinguished by a then-valid statute of limitations before any later amendment, and a vested property right to be free from the claim accrued.

KEY QUOTATIONS

“Clearly, an adjudication under section 732.108(2)(b) is an action relating to the determination of paternity. Furthermore, chapter 95, entitled 'Limitations of Actions; Adverse Possession,' sets forth the limitations for all civil actions or proceedings unless a different time is prescribed elsewhere. § 95.011, Fla. Stat. (1991). There is no provision in the probate code which removes paternity adjudications brought in probate from the general statute of limitations of section 95.11(3)(b). Therefore, section 95.11(3)(b) applies.” (1208)

“The only proper application of the statute of limitations to child support claims would be to those claims that have accrued in the past but which are not adjudicated. The state could properly say that a claim for child support not made within a certain time after it accrued is barred. However, since the duty of support continues throughout the minority of the child, new causes of action are being created each day that the natural father does not provide support. This duty of future support cannot be barred for illegitimate children if it is allowed for legitimate children.” (1209)

“Once a claim has been extinguished by the applicable statute of limitations, the claim cannot be revived because a constitutionally protected property right to be free from the claim has vested in the defendant.” (1210)

FACTUAL BACKGROUND

The decedent Charles Smith died in 1992, leaving a will which was admitted to probate. Shirley Scruggs, at age sixty, filed a petition for revocation of probate and letters of administration, alleging that Smith lacked testamentary capacity and the will was the product of undue influence, and that she was Smith's natural daughter and would inherit under the laws of intestacy if the will were revoked.

PROCEDURAL HISTORY

Shirley Scruggs filed petition for revocation of probate and letters of administration, alleging she was decedent's natural daughter. Trial court dismissed claim as barred by § 95.11(3)(b). First District Court of Appeal reversed,

holding limitations inapplicable and unconstitutional. Supreme Court accepted jurisdiction based on certified conflict.

DISPOSITION

quashed_and_remanded

REMAND INSTRUCTIONS

Quash the decision below and direct that the judgment of dismissal be reinstated.

CASES CITED

- In re Estate of Smith, 640 So. 2d 1152 (Fla. 1st DCA 1994)
- King v. Estate of Anderson, 519 So. 2d 67 (Fla. 5th DCA 1988)
- Department of Health & Rehabilitative Services v. West, 378 So. 2d 1220 (Fla. 1979)
- Garris v. Cruce, 404 So. 2d 785 (Fla. 1st DCA 1981)
- J.E.W. v. Estate of John Doe, 481 So. 2d 921 (Fla. 1st DCA 1985)
- Wiley v. Roof, 641 So. 2d 66 (Fla. 1994)
- Firestone Tire & Rubber Co. v. Acosta, 612 So. 2d 1361 (Fla. 1992)
- Lalli v. Lalli, 439 U.S. 259, 99 S. Ct. 518, 58 L. Ed. 2d 503 (1978)
- In re Estate of Odom, 397 So. 2d 420 (Fla. 2d DCA 1981)
- In re Estate of Greenwood, 402 Pa. Super. 536, 587 A.2d 749 (1991)
- Wall v. Johnson, 78 So. 2d 371 (Fla. 1955)
- Flagler v. Flagler, 94 So. 2d 592 (Fla. 1957)
- Bell v. Setzer, 375 So. 2d 61 (Fla. 2d DCA 1979)

CITED IN

- In re Estate of Charles W. Smith, Deceased. Dale S. Wilson, et al., Petitioners/Appellants, v. Shirley I. Scruggs, Respondent/Appellee., In re Estate of Smith, 685 So. 2d 1206 (Fla. 1996)
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