Appendix T

Declaratory Judgment Case Law Chart by Topic and State[1]

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This document collects case law from states across the country illustrating the wide range of circumstances in which state courts apply state declaratory judgment statutes[2] to issue declaratory judgements on family law matters. Declaratory judgements[3] are issued by state courts and are binding judgements defining the legal relationships between parties and/or their legal rights of the individuals in the matter before the court and expressing the legal opinion of the court on a question of law. Through the issuance of declaratory judgements, the court issues an authoritative opinion regarding the nature of the legal matter before the court. Declaratory judgements do not include orders requiring the parties to take or desist from any action and to not provide for enforcement of the legal rights declared in the order.

As illustrated by the case law below courts across the country use state declaratory judgement laws to declare the rights of parents and children and settle questions of family law addressing a wide range of family law issues including:

- Child custody
- The legal rights of parents and grandparents
- The rights of a child born out of wedlock
- Child support
- Foster care payments and the rights of foster parents
- Adoption
- Juvenile detention
- The rights of immigrant children and immigrant parents
- Premarital Agreements
- Marriage
- Divorce
- Property

This chart provide helpful illustrative information for courts and attorneys in cases of immigrant children seeking Special Immigrant Juvenile Status (SIJS) findings. Declaratory judgement cases can be filed by the child with the assistance of counsel and can be particularly useful for in several scenarios involving cases of immigrant children seeking SIJS findings. Two illustrative examples of these types of cases include:

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[2] In California, declaratory judgements apply only to property rights. In Missouri, declaratory judgements are only applicable to persons with interests in deeds, wills and contracts. In New Hampshire, declaratory judgements apply to people claiming legal or equitable rights or title. Two states (Hawaii and Virginia) declaratory judgments are only available when the matter is contested. For an overview of how declaratory judgements are used in family law matters *see Appendix S: Use of Declaratory Judgments in Family Law Matters, in* NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, SPECIAL IMMIGRANT JUVENILE STATUS BENCH BOOK: A NATIONAL GUIDE TO BEST PRACTICES FOR JUDGES AND COURTS 1-3 (2018), http://niwaplibrary.wcl.american.edu/pubs/appendix-s-using-declaratory-judgment-in-family-law-matters/.. For information on state-specific rules based on case law regarding the way in which declaratory judgements may be used, *See Appendix U: SIJS and State Declaratory Judgement Statutes – State by State, in* NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, SPECIAL IMMIGRANT JUVENILE STATUS BENCH BOOK: A NATIONAL GUIDE TO BEST PRACTICES FOR JUDGES AND COURTS (2017), http://niwaplibrary.wcl.american.edu/pubs/appendix-u-state-by-state-declaratory-judgement-statutes-and-sijs-3/

[3] *See* Wex Legal Dictionary https://www.law.cornell.edu/wex/declaratory_judgment and Blacks Law Dictionary https://thelawdictionary.org/declaratory-judgment/

- Immigrant children in federal foster care placements
- Immigrant children who at the time the child learns they are eligible for SIJS has already been the subject of a court ruling addressing the child's placement or awarding custody

Child Custody

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Delaware	*C.L. v. C.*, 1990 WL 34699 (Del.Fam.Ct. 1990) Note: Only the Westlaw citation is currently available. UNPUBLISHED OPINION.	Father alleges in his petition that he owes a duty to the child for support and that mother has refused to negotiate a reasonable settlement. Child support litigation has been commenced both in Delaware and in California.	Mother's motion to dismiss is denied and father has leave to amend the pleadings. Both support and custody proceedings will be scheduled for hearing before the assigned judge. →The father has the right to seek a declaratory judgment regarding the parties' respective child support obligations → The Court has jurisdiction to hear and determine the support and custody petitions filed by father.	Child Support and Custody: Father's right to support and have custody of the child.
Kentucky	*Carter v. Nance*, 304 Ky. 256 (Ky.Ct.App. 1947)	Declaratory judgment action by Dewey Nance and wife against Wesley Carter and wife to obtain custody of named plaintiff's daughter from child's maternal grandparents. From a judgment awarding custody of the child to named plaintiff, defendants appeal and plaintiffs move to dismiss the appeal.	→xxx the question of whether the surviving father or the maternal grandparents be entitled to the custody of this child is a controversy which may be properly decided in a declaratory judgment action. 16 Am.Jur. § 17, p. 291; Johnson v. Cook, 274 Ky. 841, 120 S.W.2d 675. → Appeal dismissed. → Declaratory Judgment appealed from: "The court * * * doth adjudge that the plaintiff, Dewey Nance, is entitled to and he is hereby awarded the immediate and permanent care, custody, control, nurture and education of his child, Wanda Joyce Nance, free from any molestation, hindrance or interference upon the part of the defendants, or any of them, and it is further ordered and adjudged that the defendants, Wesley Carter and Dicie Carter, in whose custody the child, Wanda Joyce Nance, now is, forthwith deliver the possession and custody of said Wanda Joyce Nance to the plaintiff, Dewey Nance. It is further adjudged that the plaintiff, Dewey Nance, shall permit said child to visit her grandparents, Wesley Carter and Dicie Carter, at reasonable intervals at such times so as not to interfere with the education, control and training of said child."	Child Custody: Right to child custody given to either father or maternal grandparents
Iowa	*In Re Marriage of McEvoy*, 414 N.W.2d 855	→ Ex-husband brought postdecretal proceeding in dissolution action,	→ Reversed and remanded.	Child Custody: Ex-husband's child custody

State	Case Citations	Procedural History	Holdings/Relief	DJ Used For
	(Iowa Ct.App. 1987)	seeking declaratory judgment, specific performance and modification of decree as to child custody and visitation provisions. The District Court, Polk County, Rod Ryan, J., determined that it lacked subject matter jurisdiction under Uniform Child Custody Jurisdiction Act and sustained ex-wife's special appearance. Ex-husband appealed.	→ Iowa is not an inconvenient forum. The district court erred when it sustained Caryl's special appearance and dismissed James' application for declaratory judgment, specific performance, and modification of decree. →Iowa court, representing decretal state, had "significant connection" jurisdiction, under Uniform Child Custody Jurisdiction Act, over ex-husband's postdecretal action seeking declaratory judgment	and visitation rights
West Virginia	*Smith v. Smith*, 140 W.Va. 298 (W.Va. 1954)	Divorced husband brought a proceeding under Uniform Declaratory Judgments Act, Code, 55-13-1 et seq., against divorced wife, who was a nonresident, to adjudicate rights as to custody of minor children.	Since proceeding by divorced husband against divorced wife under the Uniform Declaratory Judgments Act for purpose of adjudicating rights to custody of minor children was a proceeding in personam, service of process outside the state on non-resident divorced wife was insufficient to give court jurisdiction over the person of the divorced wife. Code, 55-13-1 et seq., 56-3-25; Trial Court Rules, rule 18.	Child Custody: Divorced wife's child custody rights
Massachusetts	*D.L. v. Comm'r of Soc. Serv.*, 412 Mass. 558 (Mass. 1992)	Argued Feb. 6, 1992.Decided May 5, 1992. Children brought action against Commissioner of Social Services and others, seeking declaratory and injunctive relief in connection with their challenge to their placements in inpatient mental health facility. →The plaintiffs are thirteen children, each of whom was placed in the custody of DSS after a judge found pursuant to G.L. c. 119, §§ 24–26, that the child was in need of care and protection because his or her parents were unfit, or that the child was in need of services pursuant to c. 119, § 39E. At the time the action was filed, the plaintiffs were between the ages of six and fifteen. While in DSS custody, each plaintiff was admitted to the Gaebler Children's Center (Gaebler), a unit of the Metropolitan State Hospital, which is administered by the	The Supreme Judicial Court, Greaney, J., held that: (1) Department, as party with full custody of children, had authority to voluntarily admit children to mental health facilities or seek emergency ten-day admissions, and (2) district courts and juvenile courts had authority to approve requests by Department for continued placement exceeding 90 days in mental health facility. →Action challenging regulation authorizing Department of Social Services to consent to admission of children in its custody to in-patient mental health facilities was appropriate for declaratory relief; thus, each child was not required to bring action in individual district or juvenile court which had adjudicated underlying case which had placed child in Department's custody, but Mental Health Legal Advisors Committee could bring one action on behalf of children that Department had placed in mental health facility. M.G.L.A. c. 221, § 34E; c. 231A, §§ 1, 2.	Child Custody: The Department of Social Services' right to admit children to mental health facilities

		Department of Mental Health (DMH). Gaebler is an inpatient mental health facility operated exclusively for the treatment of children and is the only public facility in the Commonwealth offering such treatment solely to children.		
Alaska	*State of Alaska v. Native Vill. of Tanana*, 249 P.3d 734 (Alaska 2011)	Native tribes brought declaratory judgment acti on against State, seeking declaration that tribes possessed inherent and concurrent jurisdiction to adjudicate children's proceedings and issue tribal court decrees. The Superior Court, Third Judicial District, Anchorage, John Suddock and Sen K. Tan, JJ., granted summary judgment in favor of tribes. State appealed.	The Supreme Court, Winfree, J., held that: 1 issue of native tribal inherent sovereign jurisdiction, concurrent with State, to initiate Indian Child Welfare Act (ICWA) child custody proceedings was ripe for adjudication; 2 federally recognized Alaska Native tribes that have not reassumed exclusive jurisdiction under the ICWA still have concurrent jurisdiction to initiate ICWA-defined child custody proceedings, both inside and outside of Indian country; and 3 federally recognized Alaska Native tribes are entitled, under the ICWA, to full faith and credit with respect to ICWA–defined child custody orders.	Indian Child Welfare Act (ICWA) Jurisd iction: Native tribes' concurrent jurisdiction to initiate child custody proceedings
California	*In Re Claudia E. v. J.E.*, 163 Cal.App.4th 627 (Cal.Ct.App. 2008)	Children filed petition for declaratory relief after County Department of Social Services twice removed them from the home of their mother without timely filing a supplemental petition. The Superior Court, Imperial County, No. JJP1339, Poli Flores, Juvenile Court Commissioner, denied relief, and children appealed.	→ The order denying the motion for declaratory relief is reversed, and the matter is remanded to the juvenile court for further proceedings. → The Court of Appeal, Huffman, Acting P.J., held that: 1 counsel's failure to exhaust any other possible remedies, including writ of habeas corpus, did not allow trial court to reject declaratory relief; 2 declaratory relief was available; 3 whether petitions were untimely was not an actual controversy as required for declaratory relief; and 4 whether department had a policy of filing supplemental petitions in a tardy fashion in juvenile dependency cases was an actual controversy as required for declaratory relief. →Failure of children's counsel to exhaust any other possible remedies, including writ of habeas corpus, did not allow trial court to reject motion for declaratory	Juvenile Dependency: The Department of Social Services' duty not to remove children from their mother's home without a timely petition

			relief after Department of Social Services twice removed children from the home of their mother without timely filing a supplemental petition →Juvenile court had the authority to grant declaratory relief in connection with children's allegation that county Department of Social Services had a policy of untimely filing supplemental petitions in contravention of statutory requirements	
Connecticut	*B. v. Ment*, 244 Conn. 296 (Conn. 1998)	Mother, on behalf of self and potential class of parents whose children had been or might be seized by state department of children and families, brought action against chief court administrator and commissioner of children and families, seeking declaratory judgment and injunctive relief with respect to temporary custody order hearings concerning children subject to neglect petitions.	Mother's declaratory judgment action on behalf of self and other parents was appropriate method of challenging temporary custody order hearings concerning children subject to neglect petitions, despite claim that individual respondents subject to temporary custody orders should raise claims in their underlying juvenile court cases xxx → The Supreme Court, Katz, J., held that: (1) action was justiciable; (2) declaratory judgment action was appropriate; (3) trial court had authority to grant mother's request for order directing administrator to establish procedures for cases in which temporary custody orders were issued ex parte; and (4) order directing administrator to allocate sufficient resources to juvenile courts to eliminate alleged unlawful practices concerning temporary custody orders would not violate sovereign immunity. [See Negative Treatment: Abrogation Recognized by Markley v. Department of Public Utility Control, Conn., May 24, 201; 23 A.3d 668]	Child Custody: The right of the state department of children to seize children from their parents
Mississippi	*McManus v. Howard*, 569 So.2d 1213 (Miss. 1990)	Former wife filed complaint for declaratory judgment and other relief against former husband, challenging provisions of divorce agreement which changed custody of children from former wife to former husband upon relocation of former wife. The complaint stated that if the plaintiff moved to another county, no change in custody should be allowed. The Chancery Court, Lowndes County, Woodrow W.	Reversed. This case is appropriate for declaratory judgment pursuant to Miss.R.Civ.P. Rule 57's purpose of adjudicating actual controversies when the case is not yet ripe for a coercive remedy. The Supreme Court, Blass, J., held that divorce agreement which provided for change of custody of children from one parent to another upon the happening of	Child Custody: Voiding a divorce agreement which changed child custody

		Brand, Jr., Chancellor, denied former wife's motion for declaratory judgment, and for modification of divorce decree and custody agreement, and she appealed.	certain events was void as contrary to public policy, since agreement attempted to divest court of its jurisdiction over matters of custody. Reversed and rendered.	

Rights of Parents and Grandparents

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Texas	*Morris v. Dearborne*, 69 F.Supp.2d 868 (E.D. Tex. 1999)	Parents, individually and on behalf of minor daughter, sued Texas Department of Protective and Regulatory Services (TDPRS), its caseworkers and employees, teacher, and others for separating family during investigation of possible child abuse, alleging, pursuant to § 1983, deprivations of procedural and substantive due process, sexual harassment under Title IX, violations of Individuals with Disabilities Education Act (IDEA), and negligence and intentional torts under state law. They also sought declaratory and injunctive relief and monetary damages. Teacher moved for summary judgment.	→Jurisdiction under the Declaratory Judgment Act is proper. → Alleged actions of defendants violated parents' clearly established constitutional right to family integrity. →Parents subjected to child abuse investigation satisfied actual controversy requirement of Declaratory Judgment Act. →Jurisdiction under Declaratory Judgment Act over parents' action against Texas Department of Protective and Regulatory Services (TDPRS) and its employees, based on TDPRS' conduct of child abuse investigation, was proper, and action was not rendered moot by non-suiting of TDPRS' state court action against parents, where parents demonstrated violation of clearly established constitutional right to family integrity and alleged facts which, if proven to be true, met standard for obtaining permanent injunction. 28 U.S.C.A. § 2201.	Parental Rights: Parents' constitutional rights during a child abuse investigation
Florida	*Kendrick v. Everheart*, 390 So.2d 53 (Fla. 1980)	Putative father filed action alleging that he was the father of five children born out of wedlock, seeking an adjudication of paternity and alternative and declaratory relief.	Reversed the portion of the trial court's final order denying appellant the right to bring a declaratory judgment suit to determine his paternity insofar as it is incident to the claims asserted against the defendants. The Supreme Court, Sundberg, C. J., held that: xxx (2) section providing that chapter on determination of paternity shall be in lieu of any other proceeding provided by law for the determination of paternity and	Paternity: Putative father's right to have his paternity determined

			support of children born out of wedlock does not preclude a putative father from bringing a declaratory judgment action to adjudicate paternity where such adjudication is necessary to the determination of the existing rights or duties between parties to an actual controversy or dispute; (3) the Declaratory Judgment Act does not preclude an action by a putative father seeking to determine paternity of illegitimate children; and (4) where the putative father had established a familial relationship with his illegitimate children by raising and supporting them, and in doing so, manifested a substantial and continuing concern for the welfare of the children, the putative father had standing to maintain a declaratory judgment action seeking a determination of paternity.	
Wisconsin	*Slawek v. Stroh*, 62 Wis.2d 295 (Wis. 1974)	Father of illegitimate child brought action against mother and child seeking judicial declaration that he was father of child and declaration of his rights and duties with respect to custody, care, visitation, support and maintenance of child; mother counterclaimed for assault and battery, breach of promise, seduction and invasion of privacy; and child, through guardian, counterclaimed for damages.	Judgment affirmed in part and reversed in part and remanded. The order sustaining the minor-defendant's demurrer to the complaint and the judgment dismissing the complaint are reversed; the order overruling the plaintiff's demurrer to the adult defendant's affirmative defense is affirmed; the order overruling the plaintiff's demurrer to the adult-defendant's first and second counterclaims is affirmed; the order overruling the plaintiff's demurrer to minor-defendant's first counterclaim is reversed; judgment should be entered dismissing the minor's counterclaims; and the case is remanded for further proceedings. No costs to be taxed. The Supreme Court, Beilfuss, J., held that declaratory judgment was best remedy for determining father's rights, that allegations that mother was capable of caring for herself and child stated a defense to father's action, that mother stated cause of action for seduction, that cause of action for seduction was not barred by statute of limitations, that mother stated cause of action for assault and battery and for invasion of privacy, and that minor child did not state cause of	Paternity: Plaintiff's paternity and his corresponding rights and duties

			action for damages on theory of 'wrongful birth.'	
Maine	*Johannesen v. Pfeiffer*, 387 A.2d 1113 (Me. 1978)	Plaintiff brought action to establish that he was father of a child born to defendant out of wedlock and that he had a right to see child and share in its parenting. The Superior Court, Cumberland County, dismissed complaint on motion of defendant, and plaintiff appealed.	Appeal sustained, and case remanded. The Supreme Judicial Court, Godfrey, J., held that: (1) father of a child born out of wedlock has right to inherit from child if he acknowledges paternity before a justice of the peace or notary and, to protect that right, may seek a present declaration of his status as father of the child while evidence is available to support that conclusion, and (2) a putative father should be permitted to have his status as parent established while evidence of his paternity is still available even though mother has not yet begun adoption proceedings. Courts of other jurisdictions have recognized that while some paternity statutes have been construed to deny standing to a putative father under the statutes themselves, the putative father may still obtain a declaratory judgment on the issue of paternity. O.F.L. v. M.R.R., 518 S.W.2d 113 (Mo.App.1974); A.B. v. C.D., 150 Ind.App. 535, 277 N.E.2d 599 (1971). See also M. v. B., 49 A.D.2d 1035, 374 N.Y.S.2d 506 (1975). Appellant's complaint is sufficient to constitute a petition for judgment declaring appellant's status under Rule 57 M.R.Civ.P., and 14 M.R.S.A. ss 5951-5963.	Paternity: Plaintiff's right to know his status as father of the child and his paternity rights
Texas	*Monk v. Pomberg*, 263 S.W.3d 199 (Tex.App. 2007)	After the parties divorced and former husband filed for bankruptcy, former wife obtained a stay and filed a petition to terminate former husband's parental rights, seeking declaratory judgment that Iowa was the home state of child and that Iowa was the proper jurisdiction to hear the termination petition. The 245th District Court, Harris County, Annette Galik, J., entered judgment in favor of former wife, declined jurisdiction on matters addressing conservatorship of child, deferred jurisdiction to Iowa, and awarded former wife $5,989.13 in	Judgment affirmed with modification. The Court of Appeals, Elsa Alcala, J., held that: 1 former wife could raise the issue of inconvenient forum through a declaratory judgment action; 2 former wife's claim that Texas courts were an inconvenient forum to hear her petition to terminate former husband's parental rights manifested a ripe controversy; 3 modification of trial court order to reflect that it declined jurisdiction "in matters addressing conservatorship of the	Ex-Husband's Parental Rights: Determination of a child's home state as the convenient forum to hear a petition to terminate parental rights

		attorney fees and expenses. Former husband appealed.	child, including but not limited to a suit to terminate the parent-child relationship," was required; and 4 evidence supported finding that Texas was an inconvenient forum to address former wife's petition to terminate former husband's parental rights to child. → Former wife could raise the issue of inconvenient forum through a declaratory judgment action, and she was not required to follow the Family Code motion requirements to raise the issue, in proceeding to terminate former husband's parental rights → Former wife's claim that Texas courts were an inconvenient forum to hear her petition to terminate former husband's parental rights manifested a ripe controversy, and thus action for a declaratory judgment that Iowa was the proper jurisdiction for the termination proceedings was appropriate, where, after custody of child was initially determined, three lawsuits were filed to attempt to change that custody arrangement.	
Connecticut	*Mirto v. Bodine*, 29 Conn.Supp. 510 (Conn.Super.Ct. 1972)	Action seeking a declaratory judgment determining the grandparents' rights of visitation with their deceased daughter's child, presently in the custody of defendant father. The defendant demurred to the plaintiffs' complaint on the ground that it is legally insufficient since it does not state that there was or is a complaint for divorce pending, in accordance with Public Acts 1971, No. 50 (General Statutes s 46-23). That act provides for a court in its discretion to grant reasonable visitation rights to any person having an interest in the welfare of the child on any complaint for a divorce.	→ Demurrer was overruled. →While the defendant's argument is correct that a judgment such as is sought here requires a divorce action pending or past, the plaintiffs do not allege their cause of action under Public Acts 1971, No. 50, but rather under the general law. →It has never been denied that this court may grant custody of children to grandparents under certain circumstances, i.e. if it is best for the child's interests, and from that it may follow that the court has the right to grant a grandparent visitation rights if it is for the best interests of the child.	Grandparents' Visitation Rights: Grandparents' right to visit grandchild
Massachusetts	*Gardner v. Rothman*, 370 Mass. 79 (Mass. 1976)	Natural father of illegitimate child brought action seeking judgment declaring his visitation rights, and mother moved to dismiss complaint.	Remanded to the Probate Court for further proceedings. The Supreme Judicial Court, Braucher, J., held that probate court had jurisdiction to	Visitation Rights: Natural father's right to visit his

State	Case Citations	Procedural History	Holdings/Relief	DJ Used For
			hear natural father's complaint, that issuance of declaratory judgment would be proper, and that prior adjudication of paternity was not essential where father's paternity was conceded.	illegitimate child
North Dakota	*Schaff v. Schaff*, 446 N.W.2d 28 (N.D. 1989)	Loree commenced a declaratory judgment action, alleging that the non-modifiable support provisions of the paternity judgment were nullified by operation of law because of the parties' subsequent marriage and that the child support award was therefore modifiable.	→The Supreme Court, Levine, J., held that marriage of parents nullified provisions of paternity judgment and child custody and future support provisions could be modified. →Former wife's declaratory judgment action was a permissible direct attack on paternity judgment, where she sought a determination of her rights, status, and other legal relations, as well as those of her former husband's under paternity judgment, in a manner provided for by law.NDCC 32–23–01.	Paternity and Child Support: Nullity of the paternity judgment, and the modifiable nature of the child support award
Alaska	*Jacob v. State of Alaska*, 177 P.3d 1181 (Alaska 2008)	Grandparents sought declaratory and injunctive relief against Office of Children's Services (OCS), alleging their right to notice and opportunity to be heard in child in need of aid (CINA) proceedings and permanency hearings for three grandchildren.	→The Supreme Court vacated the order of dismissal with respect to the declaratory judgment and remanded the case for entry of declaratory judgment. →Grandparents' appeal was not moot, as to trial court's denial of their claim for declaratory judgment that Office of Children's Services (OCS) had violated their right to notice and opportunity to be heard in child in need of aid (CINA) proceedings for three grandchildren, though during pendency of appeal the grandparents had intervened in CINA proceedings, as trial court had instructed them to do. →The Jacobs are entitled to judicial declaration that they have a right to notice of any CINA proceedings involving their grandchildren. The Jacobs are also entitled to a declaration that their right to notice was violated by OCS when they did not receive notice after the September 2001 effective date of the amendments requiring such notice.	Grandparents' Rights in Child in Need of Aid (CINA) Proceedings: Grandparents' right to notice and hearing in relation to CINA proceedings
Virginia	*Doe v. Doe*, 15 Va.App. 242 (Va.Ct.App. 1992)	Infant's purported biological parents brought action against infant's birth mother and her husband, seeking declaratory judgment as to respective parental rights of all	Reversed and remanded. →Trial court's denial of continuance requested by guardian ad litem for infant born of surrogate mother	Rights of Biological Parents and Surrogate Mother:

		parties in interest. The Circuit Court, Fairfax County, Thomas A. Fortkort, J., terminated infant's relationship with birth mother, declared biological parents to be infant's genetic parents, and directed issuance of original birth certificate consistent with ruling. Infant's guardian ad litem appealed.	in declaratory judgment suit seeking determination of respective parental rights of all parties in interest so prejudiced and impaired infant's due process rights as to require reversal. →Trial court had subject matter jurisdiction necessary to terminate infant's parental relationship with her birth mother in favor of infant's purported biological parents in declaratory judgment suit. Code 1950, § 20–49.2.	Termination of infant's relationship with her birth mother and declaration of her genetic parents as her biological parents

Rights of a Child Born Out of Wedlock

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
D.C.	*In Re Estate of Glover*, 470 A.2d 743 (D.C. 1983)	A child born out of wedlock sought a declaratory judgment as to his rights as a person born out of wedlock to inherit from his putative father. The Superior Court of the District of Columbia, Margaret A. Haywood, J., dismissed for want of jurisdiction, and appeal was taken.	Reversed and remanded. The Court of Appeals, Pair, Associate Judge Retired, held that: xxx (3) Probate Division had jurisdiction to resolve case. The interest in orderly judicial procedure requires the Probate Division to resolve issues that affect determinations of heirs. The probate division of the superior court had jurisdiction to resolve complaint for declaratory judgment as to rights of plaintiff as a person born out of wedlock to inherit from putative father. D.C.Code 1981, § 19–316.	Child's Rights to Inherit: Rights of a child born out of wedlock to inherit from putative father

Child Support

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Indiana	*Garcia v. Garcia*, 789 N.E.2d 993 (Ind.Ct.App. 2003)	Mother brought complaint against father for contempt and for declaratory judgment alleging failure to pay child support. The Circuit Court, Posey County, James M. Redwine, J., ordered father to pay $194,541 in past support and accrued interest. Father appealed.	Affirmed in part, reversed in part, and remanded. The Court of Appeals, Kirsch, J., held that: (1) trial court erred when it included in its arrearage calculation delinquent child support for which the applicable 10–year statute of limitations in effect at time delinquent support was due had expired; (2) evidence was sufficient to support finding that receipt for child support paid by father and purportedly signed by mother was invalid; and	Child Support: The father's liability to pay child support

State	Case Citations	Procedural History	Holdings/Relief	DJ Used For
			(3) awarding prejudgment interest on child support arrearages at rate of 1 ½% per month would have been an abuse of discretion. The Court of Appeals reversed and remanded with instructions to properly determine the amount of arrearage owed following the holding of *Connell* and for an entry awarding prejudgment interest to this amount at a rate of 8% per annum. In all other respects, the Court of Appeals affirmed the trial court's decree.	
Kansas	*Wornkey v. Wornkey*, 12 Kan.App.2d 506 (Kan.Ct.App. 1988)	Mother brought action against father to recover past due child support and to obtain declaratory judgment. She requested the trial court to determine that a 1975 Geary County order entered pursuant to the Uniform Reciprocal Enforcement of Support Act (URESA) did not nullify a prior Pawnee County support order from the parties' divorce. The trial court held that the Geary County URESA order did not nullify the Pawnee County support order and ordered the defendant, Steven Wornkey, to pay past due support totalling $11,158.08.	Affirmed in part, reversed in part, and remanded with instructions. The Court of Appeals, Six, J., held that: (1) Uniform Reciprocal Enforcement of Support Act order entered after court's support order did not nullify support order, and (2) court erred in adopting mother's calculations in determining back child support and interest due from father. It remanded with instructions to determine the proper amount of arrearages.	Child Support: The father's liability to pay child support
Delaware	*C.L. v. C.*, 1990 WL 34699 (Del.Fam.Ct. 1990) Note: Only the Westlaw citation is currently available. UNPUBLISHED OPINION.	Father alleges in his petition that he owes a duty to the child for support and that mother has refused to negotiate a reasonable settlement. Child support litigation has been commenced both in Delaware and in California.	Mother's motion to dismiss is denied and father has leave to amend the pleadings. Both support and custody proceedings will be scheduled for hearing before the assigned judge. →The father has the right to seek a declaratory judgment regarding the parties' respective child support obligations → The Court has jurisdiction to hear and determine the support and custody petitions filed by father.	Child Support and Custody: Father's right to support and have custody of the child.
Georgia	*Weaver v. Jones*, 260 Ga. 493 (Ga. 1990)	Former wife filed action for declaratory judgment to ascertain her duties under divorce decree, which provided that wife would pay child support if son	Reversed and remanded for consideration of all remaining issues. The Supreme Court, Benham, J., held that divorce decree was intended to be self-executing change of legal custody and	Child Support: Ex-wife has to pay child support upon change of custody

State	Case Citations	Procedural History	Holdings/Relief	DJ Used For
		elected to live with husband when he attained age 14.	modification of child support obligations, and former husband was not required to file action to modify divorce decree in order to obtain child support when son moved in with him at age 14. → The trial court erred in ruling that child custody had never changed from Jones to Weaver and that Jones, therefore, never had any obligation for child support.	
Georgia	*Hardman v. Hardman*, 295 Ga. 732 (Ga. 2014)	Former husband brought action against former wife seeking reimbursement and a declaratory judgment as to whether wife was required to pay private school tuition for parties' children out of her monthly alimony payments, injunction preventing wife from removing children from the school, and he asked that wife be held in contempt.	The Supreme Court, Nahmias, J., held that: 1 husband's declaratory complaint was not barred under doctrine of res judicata; 2 divorce decree precluded wife from unilaterally changing children's school; 3 wife, as the custodial parent, was responsible for paying private school tuition for the children; and 4 wife's threat to change schools did not constitute contempt.	Child Support: Wife's obligation to pay children's school tuition and lack of right to change their school
Georgia	*Acevedo v. Kim*, 284 Ga. 629 (Ga. 2008)	Father brought declaratory judgment action against mother to determine amount of his monthly child support obligation under divorce decree. Mother counterclaimed, seeking back child support. The Superior Court, Muscogee County, E. Tracy Moulton, Jr., Senior Judge, entered declaratory judgment ordering father to pay a specified amount to mother in monthly installments until debt was paid in full.	Judgment affirmed. The Supreme Court, Sears, C.J., held that complaint for declaratory judgment seeking a determination of the amount due for past child support payments stated a claim upon which relief could be granted.	Child Support: The amount of monthly child support obligation under a divorce decree
Arkansas	*Grays v. Arkansas Office of Child Support Enforcement*, 375 Ark. 38 (Ark. 2008)	The Arkansas Office of Child Support Enforcement (OCSE) filed a motion for declaratory relief that sought a determination of whether father was entitled to credit against child support arrears for a lump-sum payment child received from the Social Security Administration. The Circuit Court, Drew County, Samuel B. Pope, J., decline to award father an offset. Father appealed.	Affirmed. The Supreme Court, Annabelle Clinton Imber, J., held that father was not entitled to credit against his child support arrearages for lump-sum payment child received from the Social Security Administration after father qualified to received disability payments. Grays was not entitled to discharge his child-support arrears with the payment of Social Security disability benefits to his son.	Child Support: A father's non-entitlement to discharge his child-support arrears
Louisiana	*Spicer v. Spicer*, 62 So.3d 798 (La.Ct.App. 2011)	After the parties divorced, former husband filed a petition for declaratory judgment that sought to have Illinois judgment, which modified child support, to be	Affirmed. The Court of Appeal, Parro, J., held that the Illinois courts lacked subject matter jurisdiction to modify Louisiana child	Child Support: Nullity of a judgment which modified a child support order

State	Case Citations	Procedural History	Holdings/Relief	DJ Used For
		declared a nullity. The 23rd Judicial District Court, Parish of Ascension, No. 63,022, Division B, Thomas J. Kliebert, Jr., J., entered judgment in favor of former husband. Former wife appealed.	support order, pursuant to the Uniform Interstate Family Support Act (UIFSA). The judgment of the district court, (1) granting Spicer's petition for declaratory judgment, (2) decreeing that the registration of the Illinois order is vacated and unenforceable in this state, and (3) decreeing that Spicer's child support obligation is terminated because all of his children have attained the age of majority, is affirmed. All costs of this appeal are assessed against Gayle Frey.	
Hawaii	*Filipo v. Chang*, 62 Haw. 626 (Haw. 1980)	Pregnant woman, individually and as guardian ad litem for her unborn child, filed action for declaratory and injunctive relief to obtain welfare assistance for her unborn child and sought class certification. The Circuit Court, City and County of Honolulu, Norito Kawakami, J., ordered Department of Social Services and Housing to pay plaintiff additional welfare assistance for her unborn child and denied class certification and the Department appealed and the plaintiff cross appealed.	Affirmed. The Supreme Court, Lum, J., held that: (1) where for over 23 years a regulation of the Department of Social Services and Housing had been relied on to grant AFDC assistance to pregnant women, government was estopped from asserting invalidity of that regulation because of noncompliance with Hawaii Administrative Procedure Act when government's misfeasance and nonfeasance was responsible for the noncompliance, and (2) trial court did not abuse its discretion in denying class certification or intervention. The clear and unequivocal language of PWM 3241 entitles an unborn child to a separate AFDC payment, and the government is estopped to deny the validity of PWM 3241.	Welfare Assistance: The plaintiff's entitlement to welfare assistance for her unborn child
Montana	*D'Ewart v. Neibauer*, 228 Mont. 335 (Mont. 1987)	Recipient of benefits under the aid to families with dependent children program filed petition for declaratory judgment, seeking determination that child care costs incurred but not paid in budget month could be deducted from claimant's income, for AFDC eligibility purposes.	Reversed and remanded. The Supreme Court, Weber, J., held that administrative rule providing that day care costs incurred but not paid in the budget month could not be deducted from claimant's income was valid and consistent with congressional intent in enacting the AFDC program.	Child Care Costs: Prohibition on deducting child care costs from the claimant's income

		The District Court, Twelfth Judicial District, Hill County, Chan Ettien, J., determined that day care costs incurred but not paid could be deducted from claimant's income. The Department of Social and Rehabilitation Services and the county welfare department appealed.		
North Dakota	*Schaff v. Schaff*, 446 N.W.2d 28 (N.D. 1989)	Loree commenced a declaratory judgment action, alleging that the non-modifiable support provisions of the paternity judgment were nullified by operation of law because of the parties' subsequent marriage and that the child support award was therefore modifiable.	→The Supreme Court, Levine, J., held that marriage of parents nullified provisions of paternity judgment and child custody and future support provisions could be modified. →Former wife's declaratory judgment action was a permissible direct attack on paternity judgment, where she sought a determination of her rights, status, and other legal relations, as well as those of her former husband's under paternity judgment, in a manner provided for by law.NDCC 32–23–01.	Paternity and Child Support: Nullity of the paternity judgment, and the modifiable nature of the child support award
Missouri	*K.D.R. v. D.E.S.*, 637 S.W.2d 691 (Mo. 1982)	Natural mother of minor child filed a petition against alleged father to obtain a declaration of paternity and reimbursement for necessary medical expenses incident to birth of child.	→The court erred in overruling appellant's request for jury trial on the paternity issue and for that reason the judgment must be reversed and the cause remanded for a new trial. The Supreme Court, Bardgett, J., held that: (1) proceeding was cognizable under the Declaratory Judgment Act and was not subject to being treated as an equitable action independent of the Declaratory Judgment Act to enforce the duty of child support of alleged father so as to obtain the remedies available to an illegitimate child, and (2) provisions of a Declaratory Judgment Act afforded the right to a jury trial to either party on a purely fact issue and, hence, applied to alleged father's request for a jury trial on the paternity issue.	Paternity and Child Support: Father's obligation to reimburse child birth medical expenses
South Dakota	*Howe v. Ellenbecker*, 774 F.Supp. 1224 (D.S.D. 1991)	Aid to Families with Dependent Children (AFDC) recipients whose children had absent parents residing on Indian reservation brought class action against state officials and the Secretary of the Department of	The District Court, Donald J. Porter, J., held that Title IV-D of the Social Security Act, dealing with child support enforcement, created enforceable right in AFDC recipients, and recipients had standing to bring § 1983 action to enforce	Child Support: Entitlement to child support enforcement services

		Health and Human Services (HHS), claiming they had been denied child support collection services to which they were entitled under the Social Security Act.	claims for child support enforcement services. Evidence presented at trial established that reasonable avenues exist for the provision of Title IV–D services. Where these reasonable avenues exist, defendants must provide plaintiffs the services they are entitled to receive. Plaintiffs are granted declaratory judgment.	

Foster Care

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Michigan	*Wayne Cnty. V. State of Mich.*, 202 Mich.App. 530 (Mich.Ct.App. 1993)	County brought declaratory judgment action against state to determine obligations for providing and paying for foster care services for abused and neglected children when ordered by probate court.	The Court of Appeals held that counties are responsible to pay for court-ordered foster care if probate court orders placement in existing county program or in state-approved private institution or agency.	Foster Care: County's liability to pay for foster care in case of placement in existing county program or in state-approved private institution
Connecticut	*Orsi v. Senatore*, 31 Conn.App. 400 (Conn.App.Ct. 1993)	Foster parent brought suit seeking, inter alia, declaratory ruling on constitutionality of regulation which forecloses foster parents from an administrative hearing when foster child is removed from their home and returned to a family member.	The Appellate Court, Foti, J., held that foster parent could raise foster child's constitutional rights in claim for declaratory judgment. → Orsi should have been permitted to bring the third count of the complaint on Christopher's behalf, as his next friend. Because that count is brought on the child's behalf, the declaratory judgment action belongs to Christopher [child], not to Orsi, his prochein ami. (Note: This case may be excluded in view of reversal and remand to trial court. See ORSI v. SENATORE, Aug. 2, 1994; 230 Conn. 459; Supreme Court of Connecticut. Case was remanded to the trial court for its determination of whether, under the facts and circumstances of this case, the plaintiff had standing to file the declaratory judgment action on Christopher's behalf as his next friend.)	Foster Child: Foster child's constitutional right to be safe and not removed from his foster parents' home

Adoption

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Florida	*Peregood v. Cosmides*, 663 So.2d 665 (Fla.Dist.Ct.App. 1995)	Child brought declaratory judgment action to challenge his adoption by his biological mother, which adoption was undertaken for purposes of abrogating father's visitation rights and child support obligation.	The judgment dismissing Michael's complaint is reversed and the case remanded for further proceedings, which may include the setting and assessment of child support for Michael by Cosmides. The District Court of Appeal, W. Sharp, J., held that child had standing to challenge adoption which had placed him in economic jeopardy and deprived him of substantial source of financial support.	Child Adoption: Invalidity of a child's adoption by his biological mother
Maryland	*Green v. Sollenberger*, 338 Md. 118 (Md. 1995)	Executive director of Child Support Enforcement Administration brought declaratory judgment action for annulment of adoption decree that permitted mother to adopt three minor children that had been born to her and her first husband during their marriage. The Executive Director sought to have the adoption of the children vacated on the ground that its entry was contrary to both the law and public policy of Maryland. The Circuit Court for Carroll County, Raymond E. Beck, Sr., J., granted summary judgment for director, and mother appealed. The Court of Special Appeals, 100 Md.App. 686, 642 A.2d 324, held mother was not permitted to adopt her own legitimate children.	Affirmed. The Court of Appeals, Murphy, C.J., granted certiorari and held that: (1) natural parents may not adopt their own legitimate children, and (2) final decree of adoption was voidable and could be vacated more than one year after its entry.	Child Adoption: Prohibition on natural parents adopting their own legitimate children
Minnesota	*Cnty. of Ramsey v. Wilson*, 526 N.W.2d 384 (Minn.Ct.App. 1995)	County sought declaratory judgment that parent of child who had been adopted under state's adoption subsidy program owed county reimbursement for portion of out-of-home placement costs of child.	→ The adoption subsidy was a resource attributable to T.(F.)W. that must be used to reimburse the county for the cost of the care it provided to the child in out-of-home placement. →The order requiring Wilson to use the adoption subsidy to reimburse the county did not modify the adoption subsidy agreement. →Therefore, the county followed the proper procedures to bring this action and the district court had jurisdiction over the matter.	Child Adoption: Obligation of adopted child's parent to reimburse county for the cost of care for the child in an out-of-home placement

Juvenile Detention

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Pennsylvania	*Coal. To Save Our Kids v. Dep't of Pub. Welfare*, 745 A.2d 82 (Pa.Commw.Ct. 2000)	Citizens groups and citizen brought action seeking a declaratory judgment that dependent children should not be housed at a proposed juvenile detention facility.	→The Commonwealth Court, No. 301 M.D. 1999, McGinley, J., held that the proposed detention facility violated the Juvenile Act's prohibition against housing delinquent and dependent children together, even if the children would be segregated. →The motion for summary judgment of the Coalition to Save our Kids, Sunnyside Up Corporation and Kathryn Longer was granted insofar as the Court declared that dependent children shall not be housed in the same facility with delinquent children and that the County of Lancaster be and is hereby permanently enjoined from housing dependent children in a juvenile detention facility.	Juvenile Detention Facility: Prohibiting dependent children from being housed in a juvenile detention facility with delinquent children

Rights of an Immigrant Child or Parent

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Florida	*F.L.M. v. Dep't of Children and Families*, 912 So.2d 1264 (Fla.Dist.Ct.App. 2005)	Orphaned immigrant juvenile who was living in the state without any legal custodian petitioned to adjudicate him dependent.	The District Court of Appeal held that juvenile was dependent. → The judge in question having since retired, the case was returned to a successor judge with instructions to enter an order *nunc pro tunc* declaring the child dependent under Florida law and further providing that the Department's responsibility over him necessarily terminated when he attained the age of 18. → Orphaned immigrant juvenile's claim for a declaratory judgment that he was dependent was not moot, even though juvenile reached his majority while case was pending in court, where a clear statutory basis existed for a finding of dependency, and the denial of the declaration had the effect of continuing to deprive juvenile of a legal basis for regularizing his immigration status. Immigration and Nationality Act, § 101(a)(27)(J)(i-iii),8 U.S.C.A. § 1101(a)(27)(J)(i-iii); West's F.S.A. § 39.01(14)(e).	Orphaned Immigrant: Orphaned immigrant juvenile's dependent status for having no parent or legal custodian while living within the state borders

State	Case Citations	Procedural History	Holdings/Relief	DJ Used For
U.S. Court of Appeals 6th Circuit	*Gao v. Jenifer*, 185 F.3d 548 (6th Cir. 1999)	Child immigrant, having been found dependent by county probate court, brought declaratory judgment action challenging denial by Immigration and Naturalization Service (INS) of his petition for status as special immigrant juvenile (SIJ).	→ The US Court of Appeals reversed the judgment of the district court and remanded the case with instructions to direct the INS to grant Gao's petition for SIJ status retroactively and to give full and proper consideration to his application, as a person with such status, to have his status adjusted to that of an immigrant lawfully admitted for permanent residence. → The state juvenile court had jurisdiction to declare Gao dependent and to determine that sending him back to China would not be in his best interest. → Immigrant's action challenging denial by Immigration and Naturalization Service (INS) of his petition for special immigrant juvenile (SIJ) status was not rendered moot by fact that immigrant was no longer a juvenile, inasmuch as obtaining SIJ status would provide him with meaningful legal benefit of opportunity to apply to INS to have his status adjusted to that of immigrant lawfully admitted to permanent residence. Immigration and Nationality Act, § 101(a)(27)(J), as amended, 8 U.S.C.A. § 1101(a)(27)(J).	Child Immigrant's Status: The child immigrant's right to petition for status as a special immigrant juvenile (SIJ)
Puerto Rico	*Rios v. Civiletti*, 571 F.Supp. 218 (D.P.R. 1983)	Child of United States citizen and immigrant brought action for declaratory judgment that the child had been legitimated and was entitled to citizenship.	The District Court, Pieras, J., held that: (1) law of Puerto Rico applied to question whether child had been legitimated within her minority for purposes of Immigration and Nationality Act section, and (2) under law of Puerto Rico, child had been legitimated, and thus was entitled to citizenship. → The Court declared that María Guadalupe Villa Ríos is a citizen of the United States since April 13, 1952, her birthdate, and is to be accorded all rights and privileges attending to that condition. → The Court ordered the Immigration and Naturalization Service to issue her a certificate of citizenship.	Citizenship: U.S. citizenship of a child of an immigrant and a U.S. citizen
New York	*On the Petition of Amoury for*	Declaratory judgment action by infant, a citizen of the United States,	Motion to dismiss petition granted; temporary restraining order vacated.	Deportation:

	Declaratory Judgment, 307 F.Supp. 213 (S.D.N.Y. 1969)	with respect to an order by the immigration service for deportation of his immigrant parents. In substance the infant sought a stay of the deportation order.	The District Court, Edward Weinfeld, J., on motion to dismiss, held that the court had subject matter jurisdiction but that the infant had not been denied due process or equal protection of the laws, even if his parents took him with them when they were deported.	Staying a deportation order issued against the child's immigrant parents

Premarital Agreement

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Colorado	*Schwartz v. Schwartz*, 183 P.3d 552 (Colo. 2008)	In context of divorce proceedings, wife filed petition for declaratory judgment regarding validity of antenuptial agreement. The District Court, El Paso County, Rebecca S. Bromley, J., declared that agreement was invalid, and wife appealed. Wife died while appeal was pending, and as result, the Court of Appeals dismissed appeal as moot.	The Supreme Court held that wife's death did not moot appeal from declaratory judgment that antenuptial agreement was invalid. The case was reversed and remanded to the court of appeals for it to consider the merits of the Estate's appeal of the trial court's declaratory judgment setting aside the antenuptial agreement.	Premarital Agreement: Validity of the antenuptial agreement
Illinois	*In re Marriage of Best*, 228 Ill.2d 107 (Ill. 2008)	Husband petitioned for dissolution of marriage and moved for declaratory judgment that premarital agreement was valid and barred support and health insurance coverage for wife. The Circuit Court, Lake County, Sarah Lessman and Jorge Ortiz, JJ., rule the agreement valid and enforceable and required husband to reinstate wife as a beneficiary of his policy. Husband appealed prior to entry of final dissolution decree. The Appellate Court, O'Malley, J., 369 Ill.App.3d 254, 307 Ill.Dec. 173, 859 N.E.2d 173, affirmed in part and reversed in part. Husband's petition for leave to appeal was allowed.	Affirmed in part, reversed in part, and remanded. The Supreme Court, Kilbride, J., held that: 1 the declaratory ruling was reviewable prior to final dissolution decree, and 2 "separate" in premarital agreement waiving spousal support and insurance coverage in the "event the parties separate or the marriage" was dissolved required legal separation. A declaratory judgment of the spouses' rights under premarital agreement is proper if: (1) there is an actual controversy; and (2) entry of a declaratory judgment would terminate some part of that controversy. S.H.A. 735 ILCS 5/2–701(a). Declaratory ruling on the validity, scope, and application of premarital agreement would end some part of controversy prior to dissolution decree, satisfied requirements of declaratory judgment statute, and, therefore, was reviewable prior to final dissolution decree. S.H.A. 735 ILCS 5/2–701(a); 750 ILCS 10/4.	Premarital Agreement: Validity, scope, and application of a premarital agreement Property: Barring support and health insurance coverage

Marriage

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Nebraska	*McCombs v. Haley*, 13 Neb.App. 729 (Neb.Ct.App. 2005)	Putative wife, who alleged that she agreed to marry prison inmate so that parole board would believe inmate had a wife and son to come home to when he was released and who got a friend to represent to clerk's office that he was inmate, filed a declaratory judgment action, asking the court to declare the purported marriage null and void. The District Court declared that the purported marriage was null and void. Putative husband filed a motion for new trial or to set aside the judgment, alleging that he had standing to bring such motion as a real party in interest because action was pending in Florida court concerning validity of marriage between himself and putative wife. The District Court, Douglas County, J. Michael Coffey, J., overruled putative husband's motion and found that he was not a necessary party to the declaratory judgment action. Putative husband appealed.	The Court of Appeals, Carlson, J., held that: 1 Nebraska had sufficient interest and concern in the status of the purported marriage between putative wife and inmate to allow Nebraska trial court to entertain putative wife's declaratory judgment action; and 2 putative husband was not a "necessary party" to putative wife's declaratory judgment action. The decision whether to entertain an action for declaratory judgment is within the discretion of the trial court. The marital status of parties is a proper subject for declaratory relief.	Marriage: Nullifying and voiding a marriage
Michigan	*Ellehaf v. Tarraf*, 2006 WL 736561 (Mich.Ct.App. 2006) Only the Westlaw citation is currently available. UNPUBLISHED OPINION.	Father filed complaint for custody and declaratory judgment that parties were never married. Mother counter-claimed for divorce. The Circuit Court, Wayne County, declared that parties were never legally married. Mother appealed.	The Court of Appeals held that: 1 parties were never legally married, and 2 Circuit Court did not lack subject matter jurisdiction to determine that parties were never legally married.	Marriage: Lack of legal marriage between father and mother
New York	*Cardosanto v. Cardosanto*, 14 Misc.2d 498 (N.Y.Sup.Ct. 1957)	Motion to dismiss complaint in action for a declaratory judgment by plaintiff against her former husband and his present wife.	Denied the motion to dismiss the complaint. The Supreme Court, Special Term, Eilperin, J., held that in view of fact that there was no adequate remedy at law for plaintiff, court, in the exercise of its discretion, would allow her to maintain	Marriage: Former wife's marital status

			her action for a declaratory judgment as to her marital status.	
Minnesota	*In the Matter of the Guardianship of O'Brien*, 847 N.W.2d 710 (Minn.Ct.App. 2014)	Ward petitioned for a declaration that he had the right to marry his girlfriend.	→ Evidence was insufficient to establish that ward lacked the competency to marry. → The Court reversed the district court's declaratory judgment that Michael lacks the competence to marry, and remanded the case for further proceedings consistent with its opinion.	Ward: A ward's competence to marry his girlfriend

Divorce

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Alabama	*Waite v. Waite*, 891 So.2d 341 (Ala.Civ.App. 2004)	.Husband filed a declaratory judgment action against his wife and her former husband, in which he sought to have divorce judgment between wife and former husband declared void. The Russell Circuit Court, No. CV-03-339, Albert L. Johnson, J., on its own motion, entered a judgment in favor of wife and former husband. Husband appealed.	Reversed. The Court of Civil Appeals, Thompson, J., held that trial court erred in dismissing declaratory judgment action based upon affirmative defenses of res judicata and collateral estoppel which were not asserted by the defendants.	Divorce: Voiding a divorce judgment
Arizona	*Srock, Jr. v. Srock*, 11 Ariz.App. 483 (Ariz.Ct.App. 1970)	Action by former wife, who had paid community debt, against former husband for repayment. From decree of the Superior Court of Pima County, Cause No. 110218, Lawrence Howard, J., ordering repayment, the husband appealed. The Court of Appeals, Krucker, J., held that trial court had jurisdiction to obligate one of parties to divorce action to pay community debts and to enforce the obligation by means of a money judgment.	Affirmed. The trial court was correct in granting the wife her money judgment as requested as supplemental to her divorce decree and in avoidance of a multiplicity of actions. Those aspects of a divorce decree which merely fix the rights and legal relationship of the parties take on the character of a declaratory judgment. And, under our declaratory judgment statutes, A.R.S. s 12-1838 provides that supplemental relief such as in the instant case can be sought.	Divorce: Assigning liability for community debts
Maine	*Randlett v. Randlett*, 401 A.2d 1008 (Me. 1979)	Ex-husband filed suit against his ex-wife, seeking a judgment declaring that, under the divorce decree, his obligation to pay alimony would cease at the time of his death. The Superior Court of Waldo County affirmed the District Court's determination that no justiciable controversy existed, and plaintiff appealed.	Appeal sustained; remanded with instructions. The Supreme Judicial Court, Delahanty, J., held that a declaratory judgment was available to determine, during the lives of the spouses, whether the separation agreement negotiated by them and incorporated into their divorce decree would obligate the defendant husband's	Alimony: Husband's obligation to pay alimony

			estate to continue making alimony payments to plaintiff wife in the event she survived him. Under 14 M.R.S.A. s 5951 the courts are directed to interpret and construe the Uniform Declaratory Judgments Act (the Act) "(so) as to effectuate (its) general purpose to make uniform the law of those states (enacting the Act)." In that connection, it is significant that the majority of cases that have considered the justiciability of this type of claim have held the granting of declaratory relief proper.	
Oklahoma	*Clark v. Edens*, 254 P.3d 672 (Okla. 2011)	Former husband sought declaratory judgment that his presumptive paternity of a child born during the parties' marriage was not rebutted by a finding in the divorce decree that there were no children born of the marriage.	On certiorari review, the Supreme Court, Reif, J., held that: 1 former husband's presumptive paternity of a child born during parties' marriage was not rebutted by a finding in divorce decree that there were no children born of the marriage; 2 former husband did not waive his claim of presumptive paternity of child born during parties' marriage by filing a divorce petition, which was later dismissed, that stated that there were no children born of the marriage; 3 former wife was estopped from asserting that genetic test excluding former husband as the biological father of child born during parties' marriage was a ground for rebutting statutory presumption that former husband was child's father; and 4 former husband was entitled to exercise parental rights to child.	Divorce: Ex-husband is still presumed to be the father despite divorce decree stating otherwise.

Property

States	Case Citations	Procedural History	Holdings/Reliefs	DJ Used For
Alabama	*Wilmore v. Wilmore*, 91 So.3d 701 (Ala.Civ.App. 2012)	Former wife brought declaratory-judgment action against former husband's parents, seeking a judicial determination as to the proper amount necessary to pay off the note secured by the mortgage on the	Affirmed in part; appeal dismissed in part. The Court of Civil Appeals, Pittman, J., held that:	Property: Determining the amount of mortgage due on a marital home

		former marital residence, which note was held by the parents. The Circuit Court, Etowah County, No. CV–06–1406, William A. Millican, J., found former husband's father in contempt and entered judgment against parents. Parents appealed.	1 former husband was not an indispensable party to former wife's declaratory-judgment action against former husband's parents; 2 trial court was not divested of jurisdiction over former marital residence; 3 parents lacked standing to challenge trial court's reforming of the title to the former marital residence; and 4 trial court did not abuse its discretion in holding former husband's father in contempt for failing to appear and produce the required documents. Declaring the proper amount necessary to pay off the note secured by the mortgage on the former marital residence	
Arizona	*Russell Piccoli P.L.C. v. O'Donnell*, 237 Ariz. 43 (Ariz.Ct.App. 2015)	During pendency of marriage dissolution proceeding in Missouri, wife's former law firm brought action against wife seeking declaratory judgment that its arbitration award against wife concerning fee dispute could be satisfied from marital trust assets. The Superior Court, Maricopa County, No. CV2012–013260, Katherine Cooper, J., issued declaratory judgment that the amounts awarded to law firm at arbitration were marital debts that could be satisfied out of marital assets. Husband and trustee appealed.	Affirmed. The Court of Appeals, Thompson, J., held that: 1 law firm's action involved a justiciable controversy; 2 declaratory judgment was not an improper collateral attack on prior ruling of probate court regarding wife's interest in marital trusts or on the judgments of the Missouri family court; 3 amounts awarded to law firm at arbitration were marital debts that could be satisfied out of marital assets; and 4 arbitration award was not the product of collusion and did not violate due process rights of husband and trustee. - For there to be a justiciable controversy in a declaratory judgment action, "there must be an assertion of a right, status or legal relation in which the plaintiff has a definite interest and a denial of it by the opposing party." *Samaritan Health Svcs. v. City of Glendale*, 148 Ariz. 394, 395, 714 P.2d 887, 888 (App.1986) (citation omitted). We interpret the declaratory judgment act liberally. *Keggi v. Northbrook Prop. & Cas. Ins. Co.*, 199 Ariz. 43, 45, ¶ 10, 13 P.3d 785, 787 (App.2000) (citation omitted). Here, the trial court correctly found that a justiciable controversy	Property: Allowing marital debts to be satisfied by marital assets granted through arbitration

			existed as to Law Firm's interest in the trust assets.	
Arkansas	*Pianalto v. Pianalto*, 2010 Ark. App. 80 (Ark.Ct.App. 2010)	Following parties divorce, wife sought a declaratory judgment stating that unexercised stock options awarded husband during the marriage were marital property to be divided equally. Following a bench trial, the Circuit Court, Washington County, Mary Ann Gunn, J., entered judgment, finding that certain percentages of the stock options should be considered marital property and divided equally between the parties. Husband appealed, and wife cross-appealed.	Affirmed. The Court of Appeals, Robert J. Gladwin, J., held that stock options granted husband during marriage were marital property, subject to division upon parties' divorce, to extent options had become exercisable and vested.	Property: Stock options are marital property
Idaho	*Foster v. Schorr*, 139 Idaho 563 (Idaho 2003)	Former husband filed complaint seeking to terminate his maintenance obligation to former wife upon her remarriage, and seeking declaratory judgment as to his property rights in former marital residence, and former wife counterclaimed for breach of underlying property settlement agreement (PSA), which did not provide for termination of spousal maintenance upon remarriage, and which, among other things, allowed former husband to stay in marital residence until certain date or until encumbrance on residence was paid in full, whichever event occurred first. The District Court, Bonner County, James R. Michaud, J., granted partial summary judgment to wife on issue of maintenance and ultimately ruled in her favor on all remaining issues. Former husband appealed.	Affirmed. The Supreme Court, Trout, C.J., held that: 1 remarriage of former wife did not terminate former husband's spousal maintenance obligation; 2 former husband's alleged unilateral mistake as to encumbrance payoff date on former marital residence was not basis for reformation of PSA, such as to allow former husband to stay in residence without paying rent after date envisioned in PSA; 3 former wife, during parties' negotiations of terms of PSA, had no fiduciary duty to inform former husband of payoff date on former marital residence; 4 oral agreement between former spouses, that former husband would pay $1,000 per month in rent for staying in former marital residence past certain date agreed to in PSA was sufficient grounds to order former husband to pay rent in such amount for period he overstayed; 5 provision in PSA requiring former husband to maintain former wife as beneficiary of cancer medical insurance policy obliged former husband to pay for premiums of such policy obtained by former wife; and 6 former wife was entitled to award of attorney fees.	Property: Property rights in former marital residence
Illinois	*In re Marriage of Best*, 228 Ill.2d 107 (Ill. 2008)	Husband petitioned for dissolution of marriage and moved for declaratory judgment that premarital agreement was valid and barred	Affirmed in part, reversed in part, and remanded.	Premarital Agreement: Validity, scope, and application

		support and health insurance coverage for wife. The Circuit Court, Lake County, Sarah Lessman and Jorge Ortiz, JJ., rule the agreement valid and enforceable and required husband to reinstate wife as a beneficiary of his policy. Husband appealed prior to entry of final dissolution decree. The Appellate Court, O'Malley, J., 369 Ill.App.3d 254, 307 Ill.Dec. 173, 859 N.E.2d 173, affirmed in part and reversed in part. Husband's petition for leave to appeal was allowed.	The Supreme Court, Kilbride, J., held that: 1 the declaratory ruling was reviewable prior to final dissolution decree, and 2 "separate" in premarital agreement waiving spousal support and insurance coverage in the "event the parties separate or the marriage" was dissolved required legal separation. A declaratory judgment of the spouses' rights under premarital agreement is proper if: (1) there is an actual controversy; and (2) entry of a declaratory judgment would terminate some part of that controversy. S.H.A. 735 ILCS 5/2–701(a). Declaratory ruling on the validity, scope, and application of premarital agreement would end some part of controversy prior to dissolution decree, satisfied requirements of declaratory judgment statute, and, therefore, was reviewable prior to final dissolution decree. S.H.A. 735 ILCS 5/2–701(a); 750 ILCS 10/4.	of a premarital agreement Property: Barring support and health insurance coverage
Ohio	*In Re Guardianship of Maurer*, 108 Ohio App.3d 354 (Ohio Ct.App. 1995)	Guardian of the person of the ward filed exceptions to inventory that was prepared by the guardian of the estate of the ward. The Wood County Court of Common Pleas overruled the exceptions.	The Court of Appeals held that: (1) second judge was not bound by prior judge's order scheduling an evidentiary hearing; (2) lower court did not abuse its discretion by proceeding to final judgment on the exceptions to the inventory at the time that it did and in the manner that it did; (3) court erred by approving the inclusion in the guardian's inventory of an account receivable from the guardian of the person; and (4) court did not abuse its discretion by approving the inventory without requiring the guardian of the estate to prove his calculations.	Property: Account receivable's inclusion in the guardian's inventory
Nevada	*Warren v. Warren*, 94 Nev. 309 (Nev. 1978)	Action was brought for divorce or, in alternative, for dissolution of partnership and declaratory relief based on theories that there was a constructive or resulting trust, that plaintiff had property rights as a meretricious, common-law or putative spouse, that there had been a partnership or joint venture and that plaintiff had contractual or quasi-contractual rights to share	The Supreme Court held that: (1) evidence warranted finding that parties had not engaged in express or implied contract to pool funds or to form a partnership, and (2) granting defendant leave, after one witness testified, to answer requests for admission, which had been unanswered due to withdrawal of his attorney, did not prejudice plaintiff.	Property: Marital or partnership property rights

		with defendant in proceeds acquired by parties. The Eighth Judicial District Court, Clark County, John F. Mendoza, J., entered judgment refusing to recognize that plaintiff had any marital or partnership rights to defendant's property, and plaintiff appealed.	Appellant made no attempt at trial to prove the foreign law of any country, and failed to present sufficient evidence to support her claim of putative or common law marriage.	