

A husband and wife were married in State A and lived there for 10 years before separating. One month later, the wife permanently moved to State B and immediately filed for divorce in a federal court in State B. The wife claims that she is entitled to \$300,000 in alimony. The husband appeared in the action and has filed a motion to dismiss for lack of subject-matter jurisdiction.

Should the court grant the motion?

- A. No, because the court has diversity jurisdiction over the case.
- B. No, because the husband waived a subject-matter jurisdiction challenge by appearing in the case.
- C. Yes, because state courts have exclusive jurisdiction over this type of action.
- D. Yes, because the wife did not establish a domicile in State B.

Explanation:

Federal diversity jurisdiction exceptions

Federal courts cannot exercise diversity jurisdiction over cases involving:

- probate matters (eg, authenticating wills, administering estates) *or*
- domestic relations (eg, issuing divorce, alimony, or child-custody decrees)

A federal court must possess **subject-matter jurisdiction** to hear the merits of a case before it. Subject-matter jurisdiction can be established through either:

- **federal-question jurisdiction** – when a claim arises under the U.S. Constitution, a treaty, or federal law (not seen here) *or*
- **diversity jurisdiction** – when the amount in controversy exceeds \$75,000 and the opposing parties are **citizens** of different states.

Here, diversity jurisdiction is established since the wife claims that she is entitled to \$300,000 and the parties are citizens of different states (States A and B). However, federal courts **cannot exercise diversity jurisdiction** over cases involving **probate matters** or **domestic relations**. Instead, state courts have exclusive jurisdiction over these types of actions (**Choice A**).* Therefore, the husband's motion to dismiss should be granted.

*The probate and domestic-relations exceptions exist because states have a strong interest in these substantive areas and are more qualified to deal with the constant judicial involvement these types of cases require.

(Choice B) A challenge to subject-matter jurisdiction is never **waived**. However, a challenge to personal jurisdiction is waived if the defendant has voluntarily appeared in the case, unless it was a special appearance for the express purpose of objecting to personal jurisdiction.

(Choice D) An individual is a citizen of the state where he/she is domiciled—ie, physically present with the intent to remain indefinitely. Since the wife permanently moved to State B, she has established her domicile there.

Educational objective:

Federal courts cannot exercise diversity jurisdiction over cases involving probate matters or domestic relations. Instead, state courts have exclusive jurisdiction over these types of cases.

References

- Ankenbrandt v. Richards, 504 U.S. 689, 703–04 (1992) (explaining the domestic-relations exception to diversity jurisdiction).

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