

Commonwealth Of Kentucky

Court of Appeals

NO. 2001-CA-002064-MR

HONI MARLEEN GOLDMAN

APPELLANT

v. APPEAL FROM JEFFERSON FAMILY COURT
HONORABLE JOAN L. BYER, JUDGE
ACTION NO. 92-FD-000205

BARRY BERNSON

APPELLEE

OPINION

VACATING AND REMANDING

** ** * * *

BEFORE: EMBERTON, CHIEF JUDGE; BARBER AND DYCHE, JUDGES.
DYCHE, JUDGE. Honi Marleen Goldman filed a motion in the decade-long dissolution action with Barry Bernson seeking reimbursement from Bernson funds he had allegedly expended from a Uniform Transfers to Minors Act (KRS 385.012-.242) account he had set up for one of their children. The establishment of the account had nothing to do with the dissolution action. The Jefferson Family Court found that Bernson had repaid the money

to the child, who had reached the age of majority by the time the motion was heard. Goldman appeals.

We vacate and remand. The family court was without jurisdiction to decide the issue.

Unfortunately for [Goldman], the UTMA grants exclusive jurisdiction over such claims to the district court. The definition section of the UTMA provides that: "'Court' means district court." KRS 385.012(5).

Privett v. Clendenin, Ky., 52 S.W.3d 530, 531 (2001). Nor do we find an unequivocal grant of such jurisdiction in the statute establishing family court. KRS 23A.110(3), (4). Inasmuch as the supervision of UTMA accounts is in the nature of other fiduciary and probate matters subject to the jurisdiction of the district court, we believe that the district court's jurisdiction over UTMA accounts comports with the overall statutory scheme.

The order of the Jefferson Family Court is vacated, and this matter is remanded for proceedings not inconsistent with this opinion.

ALL CONCUR.

BRIEF FOR APPELLANT:

Honi Marleen Goldman, *Pro Se*
Louisville, Kentucky

BRIEF FOR APPELLEE:

B. Radmacher III
Louisville, Kentucky

