

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TERESA D. ROBINSON, as
administrator of the Estate of Joseph
L. Weddington, Jr.,

Petitioner Below,
Appellant,

v.

JONE POSEY, DANIELLE
WHITAKER, and PAUL
WHITAKER,

Respondents Below,
Appellees.

§
§ No. 61, 2026
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§ Court Below—Court of
§ Chancery of the State of
§ Delaware
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§ C.A. No. 2021-0951
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Submitted: August 28, 2026
Decided: October 26, 2026

Before **SEITZ**, Chief Justice; **TRAYNOR** and **LEGROW**, Justices.

ORDER

(1) Joseph L. Weddington, Jr. (the “Decedent”) died intestate on March 26, 2021. The appellant, Teresa D. Robinson, is currently the administrator of the Decedent’s estate (the “Estate”).¹ Robinson distributed certain Estate assets (the “Challenged Items”) to the appellees before paying the Estate’s debts. She later sought to recoup the Challenged Items from the appellees to pay the Estate’s debts and disputed whether the appellees are the Decedent’s children and therefore entitled

¹ The appellees’ brother, Christopher Whitaker, resigned as co-administrator in December 2022 and was dismissed from this action in May 2025.

to shares of the Estate. Robinson’s challenge to paternity focused on the facts that the appellees’ mother was married to Fred Whitaker, Jr. when the appellees were born, and the appellees’ birth certificates identify Whitaker as their father.

(2) The Senior Magistrate in Chancery presided over an evidentiary hearing on Robinson’s claims in June 2025. The evidence included numerous documentary exhibits and the testimony of multiple witnesses. The Senior Magistrate later issued a final report in which she found that the appellees had established by a preponderance of the evidence that the Decedent is their father and that they are therefore intestate heirs of the Estate.² The Senior Magistrate also held that Robinson’s distribution of the Challenged Items was premature, and therefore improper, and ordered the appellees to return the Challenged Items to the Estate within thirty days. She denied Robinson’s request that the appellees reimburse the Estate for fees, expenses, and diminution in the value of the Challenged Items. The Chancellor overruled Robinson’s exceptions to the Senior Magistrate’s report,³ and Robinson has appealed to this Court.

(3) Robinson first argues that the Court of Chancery erroneously applied the preponderance of the evidence standard to determine paternity. She asserts that 13 *Del. C.* § 8-204 establishes a presumption that Whitaker is the appellees’ father

² *In re Estate of Weddington*, 2025 WL 2887013 (Del. Ch. Oct. 10, 2025) (Senior Magistrate report).

³ *In re Estate of Weddington*, 2026 WL 115218 (Del. Ch. Jan. 15, 2026).

because he was married to the appellees' mother when they were born and their birth certificates identify him, not the Decedent, as their father. She contends that the statutory presumption can be rebutted only by clear and convincing evidence. We review this issue *de novo*.⁴

(4) Title 12, Section 508 of the Delaware Code provides, in relevant part:

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:

....

(2) In cases not covered by paragraph (1) of this section, a person born out of wedlock is a child of the mother. That person is also a child of the father, if legitimated pursuant to Chapter 13 of Title 13 or, notwithstanding any contrary provision of Chapter 13 of Title 13, if:

...

b. The paternity is established by an adjudication before the death of the father or is established thereafter by preponderance of the evidence; except, that the paternity established under this paragraph is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.⁵

⁴ *Williams v. Hall*, 2026 WL 35922, at *2 (Del. Jan. 6, 2026). Robinson's exceptions to the Senior Magistrate's report did not cite 13 *Del. C.* § 8-204 or precisely make the legal argument that Robinson now asserts, and the Chancellor's ruling on the exceptions therefore does not address the statutory presumption argument. But Robinson's *pro se* exceptions did assert that the birth certificates carried "strong presumptive weight," Opening Brief in Support of Petitioner's Exceptions at 4, and we therefore address the issue.

⁵ 12 *Del. C.* § 508 (effective Aug. 6, 2013, to Aug. 20, 2025). The quoted statute is the version that was in effect at the time of the evidentiary hearing in this case. Section 508 was amended effective August 21, 2025, but the words quoted in this order did not change.

Thus, based on the plain language of the intestate succession statute, the appellees could establish that they are children of the Decedent for purposes of intestate succession by establishing paternity by a preponderance of the evidence.⁶

(5) The Court of Chancery has long held that the preponderance of evidence standard applies to paternity determinations in the intestate succession context. In *Estate of McGalliard*, the Court of Chancery stated: “Where an individual asserts heirship in claiming the right to an intestate share of a decedent’s estate, that individual bears the burden of proving heirship. In Delaware, the standard of proof for establishing paternity for purposes of intestate succession is a ‘preponderance of the evidence.’”⁷ In doing so, the Vice Chancellor in *McGalliard* departed from the Master in Chancery’s determination that the statutory presumption of paternity arising from marriage can be rebutted only by clear and convincing evidence to the contrary.⁸

(6) Moreover, although this Court does not appear to have addressed the issue in the precise factual context at issue in this case,⁹ the Court of Chancery has

⁶ *Id.* § 508(2)b.

⁷ *In re Estate of McGalliard*, 1995 WL 106481, at *2 (Del. Ch. Feb. 8, 1995) (quoting 12 *Del. C.* § 508) (citations omitted).

⁸ *In re Estate of McGalliard*, 1994 WL 773417, at *4 (Del. Ch. Aug. 22, 1994) (Master report).

⁹ *But cf. Williams*, 2026 WL 35922, at *3 (affirming application of preponderance of evidence standard in determining appellees’ lineage in a quiet-title action); *G.L. v. S.D.*, 403 A.2d 1121, 1127 (Del. 1979) (holding that preponderance of evidence standard applies to determination of paternity in child-support action, and stating that the holding was “consistent with recent legislation as to inheritance by a person born out of wedlock as a child of a deceased mother or

applied the preponderance of the evidence standard to determine paternity for purposes of intestate succession, even when the disputed descendant’s mother was married to a different person when the disputed descendant was born. As the Senior Magistrate recognized in her final report in this case, in *Estate of Koon* the Court of Chancery “found that parentage was established by a preponderance of the evidence, despite a conflicting birth certificate”¹⁰ and the mother’s marriage to a different man at the time of the birth at issue.¹¹ Based on the plain language of Section 508 and the longstanding trial court precedent applying the preponderance standard to paternity determinations for purposes of intestate succession, we conclude that the Court of Chancery did not err by finding parentage by a preponderance of the evidence in this case.¹²

father under the intestate succession law of Delaware”). Neither *Williams* nor *G.L. v. S.D.* addressed the statutory presumption under 13 *Del. C.* § 8-204.

¹⁰ *In re Estate of Weddington*, 2025 WL 2887013, at *6 (Del. Ch. Oct. 10, 2025) (Senior Magistrate report).

¹¹ *Estate of Koon*, 1984 WL 136929 (Del. Ch. Dec. 11, 1984). Robinson argues that *Koon v. United States*, 518 U.S. 81 (1996), is inapposite. She is correct, but that is not the decision on which the Court of Chancery relied.

¹² We note that 13 *Del. C.* § 8-204 provides that a “presumption of paternity established under this section may be rebutted *only* by an adjudication under subchapter VI of this chapter.” 13 *Del. C.* § 8-204(b) (emphasis added). Title 13, Chapter 8, Subchapter 6 authorizes a proceeding in the Family Court to adjudicate parentage of a child. 13 *Del. C.* § 8-601; *see also* 13 *Del. C.* § 8-104 (“The Family Court of the State of Delaware is authorized to adjudicate parentage under this chapter.”). It also contains procedural limitations that might significantly inhibit its utility in intestate succession proceedings. *E.g.*, 13 *Del. C.* §§ 8-606-07. These considerations further support our determination that the preponderance standard explicitly established by the intestate succession statute applies to the parentage determination in an intestate succession proceeding in the Court of Chancery.

(7) Robinson’s second argument on appeal is that the Senior Magistrate erred by denying her request to subpoena Whitaker’s military records from the National Personnel Records Center (“NPRC”). Robinson posits that the records would have shown that Whitaker claimed the appellees as beneficiaries for his military benefits, further supporting her position that the Decedent is not the appellees’ father. We review pretrial discovery rulings for abuse of discretion.¹³ The Senior Magistrate balanced the potential for discovery of relevant information with the interest in protecting sensitive personnel information, and we find no abuse of discretion in the Senior Magistrate’s ruling. Moreover, it seems unlikely that the records would have changed the factual findings in this case. If the records showed that Whitaker claimed the appellees as beneficiaries, they would support an inference that military benefits motivated the identification of Whitaker as the appellees’ father, as appellees contend; if they showed that he did not, they would support an inference that Whitaker did not claim the appellees as beneficiaries because they were not his children. Either way, they would not definitively resolve the parentage issue. We find no reversible error in the Senior Magistrate’s

¹³ *Coleman v. PricewaterhouseCoopers, LLC*, 902 A.2d 1102, 1106 (Del. 2006).

determination that Robinson did not establish that Whitaker's NPRC records were "essential to establishing a key fact" in the case.¹⁴

(8) Finally, Robinson contends that the court failed to apply the unclean hands doctrine by "granting the [appellees] heir status while accepting their admitted use of inaccurate representations on official records to obtain government benefits."¹⁵ "It is a maxim of equity that he who comes into equity must do so with clean hands[,] and the doctrine is aimed at providing courts of equity with a shield from potentially entangling misdeeds of the litigants in any given case."¹⁶ "[C]ourts of equity have extraordinarily broad discretion in application of the doctrine of unclean hands."¹⁷ To support the application of the unclean hands doctrine, the improper conduct must directly relate to the underlying litigation, and must have an immediate and necessary relation to the claims for which relief is sought.¹⁸

(9) We find no reversible error as to this issue. The appellees did not admit that they made inaccurate representations on official records or that they received government benefits. Rather, they explained their understanding that Whitaker was identified as their father on their birth certificates in order to qualify the appellees,

¹⁴ Appendix to Opening Brief at A72 (Senior Magistrate's discovery ruling). For similar reasons, Robinson's argument is also without merit to the extent that it frames the issue as a due process violation.

¹⁵ Opening Brief at 15.

¹⁶ *Sloan v. Segal*, 2010 WL 2169496, at *6 (Del. May 10, 2010) (internal quotation and alterations omitted).

¹⁷ *Id.* (internal quotations and alterations omitted).

¹⁸ *Id.*

as minor children, for military benefits. At most, this suggests that the appellees' mother and Whitaker—not the appellees, who were infants or minor children at the time—engaged in improper conduct. The doctrine of unclean hands did not preclude the Court of Chancery from finding that the appellees are intestate heirs of the Decedent.

(10) After this appeal was submitted for decision, the appellees submitted a document relating to ongoing proceedings in the Court of Chancery as to enforcement of the court's order requiring return of the Challenged Items. Robinson then filed a motion requesting that the Court strike or disregard the document. The appellees' document is untimely, raises matters that are not part of the record in this appeal, and seeks relief that is not available from this Court in the procedural posture of this appeal. Robinson's motion is therefore granted; the Court has not considered the substance of the appellees' document in resolving this appeal.

NOW, THEREFORE, IT IS ORDERED that judgment of the Court of Chancery is AFFIRMED. The appellant's motion to strike or disregard the appellees' September 8, 2026 filing is GRANTED.

BY THE COURT:

/s/ Gary F. Traynor
Justice