NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

ANKENBRANDT, AS NEXT FRIEND AND MOTHER OF L. R., ET AL. *v.* RICHARDS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 91–367. Argued March 31, 1992—Decided June 15, 1992

Petitioner brought this suit on behalf of her daughters in the District Court, alleging federal jurisdiction based on the diversity-of-citizenship provision of 28 U.S.C. §1332, and seeking monetary damages for alleged torts committed against the girls by their father and his female companion, the respondents here. The court granted respondents' motion to dismiss without prejudice, ruling in the alternative that it lacked jurisdiction because the case fell within the ``domestic relations'' exception to diversity jurisdiction and that its decision to dismiss was justified under the abstention principles announced in *Younger* v. *Harris,* 401 U.S. 37. The Court of Appeals affirmed.

Held:

1.A domestic relations exception to federal diversity jurisdiction exists as a matter of statutory construction. Pp.3–11.

(a)The exception stems from *Barber* v. *Barber,* 21 How. 582, 584, in which the Court announced in dicta, without citation of authority or discussion of foundation, that federal courts have no jurisdiction over suits for divorce or the allowance of alimony. The lower federal courts have ever since recognized a limitation on their jurisdiction based on that statement, and this Court is unwilling to cast aside an understood rule that has existed for nearly a century and a half. Pp.3–5.

(b)An examination of Article III, §2, of the Constitution and of *Barber* and its progeny makes clear that the Constitution does not mandate the exclusion of domestic relations cases from federal-court jurisdiction. Rather, the origins of the exception lie in the statutory requirements for diversity jurisdiction. *De La Rama* v. *De La Rama,* 201 U.S. 303, 307. Pp.5–7.

(c)That the domestic relations exception exists is

demonstrated by the inclusion of the defining phrase, ``all suits of a civil nature at common law or in equity,'' in the pre-1948 versions of the diversity statute, by *Barber*'s implicit interpretation of that phrase to exclude divorce and alimony actions, and by Congress' silent acceptance of this construction for nearly a century. Considerations of *stare decisis* have particular strength in this context, where the legislative power is implicated, and Congress remains free to alter what this Court has done. *Patterson* v. *McLean Credit Union,* 491 U.S. 164, 172–173. Furthermore, it may be presumed that Congress amended the diversity statute in 1948 to replace the law/equity distinction with §1332's ``all civil actions'' phrase with full cognizance of the Court's longstanding interpretation of the prior statutes, and that, absent any indication of an intent to the contrary, Congress adopted that interpretation in reenacting the statute. Pp.7–11.

2.The domestic relations exception does not permit a district court to refuse to exercise diversity jurisdiction over a tort action for damages. The exception, as articulated by this Court since *Barber,* encompasses only cases involving the issuance of a divorce, alimony, or child custody decree. As so limited, the exception's validity must be reaffirmed, given the long passage of time without any expression of congressional dissatisfaction and sound policy considerations of judicial economy and expertise. Because this lawsuit in no way seeks a divorce, alimony, or child custody decree, the Court of Appeals erred by affirming the District Court's invocation of the domestic relations exception. Federal subject-matter jurisdiction pursuant to §1332 is proper in this case. Pp.11–15.

3.The District Court erred in abstaining from exercising jurisdiction under the *Younger* doctrine. Although this Court has extended *Younger* abstention to the civil context, it has never applied the notions of comity so critical to *Younger* where, as here, no proceeding was pending in state tribunals. Similarly, while it is not inconceivable that in certain circumstances the abstention principles developed in *Burford* v. *Sun Oil Co.,* 319 U.S. 315, might be relevant in a case involving elements of the domestic relationship even when the parties do not seek divorce, alimony, or child custody, such abstention is inappropriate here, where the status of the domestic relationship has been determined as a matter of state law, and in any event has no bearing on the underlying torts alleged. Pp.15–16.

934 F.2d 1262, reversed and remanded.

WHITE, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, SCALIA, KENNEDY, and SOUTER, JJ., joined. BLACKMUN, J., filed an opinion concurring in the judgment. STEVENS, J., filed an opinion concurring in the judgment, in which THOMAS, J., joined.