DEFEATING DOMESTIC RELATIONS EXCEPTIONS TO FEDERAL JURISDICTION

The domestic relations exception to federal jurisdiction is a legal principle that prohibits federal courts in the United States from hearing cases involving family law matters within the traditional authority of the states. It was first articulated by the Supreme Court in 1858 in the case of Barber v. Barber, where the Court disclaimed any jurisdiction in federal courts over family law matters [[1](https://www.yalelawjournal.org/note/federal-questions-and-the-domestic-relations-exception)].

Arguments have been made to challenge and defeat the domestic relations exception, primarily based on the interpretation of federal-question jurisdiction and the constitutional authority of federal courts. Here are some arguments that have been successfully used to defeat the domestic relations exception in certain cases:

1. Federal Question Jurisdiction: One argument against the domestic relations exception is that it does not apply to federal-question cases. According to this argument, federal courts have jurisdiction over all federal-question cases in law or equity, as endowed by Article III of the Constitution. Therefore, applying the domestic relations exception to bar federal courts from hearing bona fide federal questions would violate their constitutional jurisdiction [[1](https://www.yalelawjournal.org/note/federal-questions-and-the-domestic-relations-exception)].

2. Federal Law Issues: Another argument is that federal courts should have the authority to resolve domestic relations matters that raise questions of federal law. The federal-question jurisdiction statute is interpreted as reflecting a congressional intent for federal jurisdiction to extend to domestic relations matters involving federal law. This argument emphasizes the importance of federal courts in resolving important and timely questions of federal law [[1](https://www.yalelawjournal.org/note/federal-questions-and-the-domestic-relations-exception)].

3. Access to Federal Courts: Advocates challenging the domestic relations exception argue that denying access to federal courts in domestic relations cases restricts litigant access to federal forums for resolving various family law disputes. This argument questions the closed-door policy of federal courts regarding family law matters and the impact it has on litigants seeking federal remedies [[4](https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2220951)].

It's important to note that the success of these arguments in defeating the domestic relations exception may vary depending on the specific circumstances and the interpretation of the courts involved.