

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

J. B. v. Tiffany Woodard

No. 20-1212, United States Court of Appeals for the Seventh Circuit (May 12, 2021)

SUMMARY

The Seventh Circuit affirmed dismissal of a § 1983 action challenging Illinois child custody proceedings. The court held that the plaintiff lacked Article III standing to bring a First Amendment challenge to the Illinois Marriage and Dissolution of Marriage Act because his injury was caused by the state court judge's enforcement of the statute, not by the DCFS official named as defendant. The court further held that principles of equity, comity, and federalism required abstention from the plaintiff's substantive and procedural due process claims alleging infringement of familial association, as those claims would improperly interfere with ongoing state court custody proceedings. The decision underscores that federal courts should abstain from adjudicating constitutional claims that would disrupt state domestic relations matters, even when no specific abstention doctrine is a perfect fit.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Scudder; Wood; St. Eve
JURISDICTION	Federal
DECIDED	May 12, 2021
DOCKET	20-1212
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from district court's dismissal of complaint for lack of subject matter jurisdiction under Rule 12(b)(1)
PRECEDENTIAL VALUE	Published
PARTIES	J.B., et al. (Edwin Bush on behalf of himself and his children) v. Tiffany Woodard, et al. (DCFS employees)

TOPICS

- standing
- due process
- first amendment
- child custody

PRACTICE AREAS

- Civil Rights
- Constitutional Law
- Family Law

QUESTIONS PRESENTED

1. Whether the plaintiffs had standing to challenge the constitutionality of section 5/607.6(d) of the Illinois Marriage and Dissolution of Marriage Act.
2. Whether the district court should have abstained from exercising jurisdiction over the plaintiffs' substantive and procedural due process claims under principles of equity, comity, and federalism.

HOLDINGS

1. The plaintiffs lacked standing because the injury was not traceable to the named defendant, DCFS Acting Director Marc Smith. The state court judge, not Smith, enforced the statute.
2. The district court correctly abstained; exercising jurisdiction would interfere with ongoing state child custody proceedings and undermine principles of equity, comity, and federalism.

KEY QUOTATIONS

“The injury must be fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court.”

“communications in counseling from being used in any manner in litigation nor relied upon by any expert appointed by the court or retained by any party.”

“State courts can and do consider constitutional arguments in custody cases.”

FACTUAL BACKGROUND

Edwin Bush and Erika Bush were in divorce proceedings in Illinois state court. During the proceedings, Erika alleged that Edwin had choked their son J.B. DCFS investigator Tiffany Woodard investigated and attempted to implement a safety plan, but Edwin ejected Woodard and sheriff's deputies from his apartment. Woodard then emailed Erika's attorney, who used the email to obtain an emergency protective order from the domestic relations court suspending Edwin's parenting time. Edwin filed a § 1983 action in federal court alleging violations of his and his children's First and Fourteenth Amendment rights.

PROCEDURAL HISTORY

The district court dismissed Count I for lack of standing and Counts II and III under the Younger abstention doctrine. The plaintiffs appealed.

DISPOSITION

affirmed

CASES CITED

- Kubiak v. City of Chicago, 810 F.3d 476 (7th Cir. 2016)
- Orgone Capital III, LLC v. Keith Daubenspeck, Orgone Cap. III, LLC v. Daubenspeck, 912 F.3d 1039 (7th Cir. 2019)

- Hollingsworth v. Perry, 570 U.S. 693 (2013)
- Lujan v. Defs. of Wildlife, 504 U.S. 555 (1992)
- Steel Co. v. Citizens for a Better Env't, 523 U.S. 83 (1998)
- Spokeo, Inc. v. Robins, 136 S. Ct. 1540 (2016)
- Doe v. Holcomb, 883 F.3d 971 (7th Cir. 2018)
- E.A. v. Gardner, 929 F.3d 922 (7th Cir. 2019)
- In re Marriage of Bates, 819 N.E.2d 714 (Ill. 2004)
- In re Andrea F., 802 N.E.2d 782 (Ill. 2003)
- Troxel v. Granville, 530 U.S. 57 (2000)
- SKS & Assocs., Inc. v. Dart, 619 F.3d 674 (7th Cir. 2010)
- Colo. River Water Conservation Dist. v. United States, 424 U.S. 800 (1976)
- New Orleans Pub. Serv., Inc. v. Council of City of New Orleans, 491 U.S. 350 (1989)
- Courthouse News Serv. v. Brown, 908 F.3d 1063 (7th Cir. 2018)
- Younger v. Harris, 401 U.S. 37 (1971)
- District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)
- Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923)
- Burford v. Sun Oil Co., 319 U.S. 315 (1943)
- Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69 (2013)
- Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280 (2005)
- Parker v. Lyons, 757 F.3d 701 (7th Cir. 2014)
- Kowalski v. Boliker, 893 F.3d 987 (7th Cir. 2018)
- Ankenbrandt v. Richards, 504 U.S. 689 (1992)
- DuBroff v. DuBroff, 833 F.2d 557 (5th Cir. 1987)
- Quackenbush v. Allstate Ins. Co., 517 U.S. 706 (1996)
- Gakuba v. O'Brien, 711 F.3d 751 (7th Cir. 2013)