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

SUTER ET AL. *v.* ARTIST M. ET AL.

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

No. 90–1488. Argued December 2, 1991—Decided March 25, 1992

The Adoption Assistance and Child Welfare Act of 1980 provides that a State will be reimbursed by the Federal Government for certain expenses it incurs in administering foster care and adoption services, if it submits a plan for approval by the Secretary of Health and Human Services. Among its requisite features, an approved plan must provide that it ``shall be in effect in all'' of a State's political subdivisions and ``be mandatory upon them,'' 42 U.S.C. §671(a)(3), and that ``reasonable efforts will be made'' to prevent removal of children from their homes and to facilitate reunification of families where removal has occurred, §671(a)(15). Respondents, child beneficiaries of the Act, sought declaratory and injunctive relief, alleging that petitioners, the Director and the Guardianship Administrator of the Illinois agency responsible for investigating charges of child abuse and neglect and providing services for abused and neglected children and their families, had failed to make reasonable efforts to preserve and reunite families, in contravention of §671(a)(15). The District Court denied petitioners' motion to dismiss, holding, *inter alia,* that the Act contained an implied cause of action and that suit could also be brought under 42 U.S.C. §1983. The court entered an injunction against petitioners, and the Court of Appeals affirmed. That court relied on *Wilder* v. *Virginia Hospital Assn.,* 496 U.S. 498, to hold that the ``reasonable efforts'' clause of the Act could be enforced through a §1983 action, and applied the standard of *Cort* v. *Ash,* 422 U.S. 66, to find that the Act created an implied right of action entitling respondents to bring suit directly under the Act.

Held:

1. Section 671(a)(15) does not confer on its beneficiaries a private right enforceable in a §1983 action. Pp.7–15.

(a) Section 1983 is not available to enforce a violation of a

federal statute where Congress has foreclosed enforcement in the enactment itself and ``where the statute did not create enforceable rights, privileges, or immunities within the meaning of §1983.'' *Wright* v. *Roanoke Redevelopment and Housing Authority,* 479 U.S. 418, 423. Congress must confer such rights unambiguously when it intends to impose conditions on the grant of federal moneys. *Pennhurst State School and Hospital* v. *Halderman,* 451 U.S. 1, 17. Thus, statutory provisions must be analyzed in detail, in light of the entire legislative enactment, to determine whether the language in question created rights within the meaning §1983. Pp.7–9.

(b)Congress did not unambiguously confer upon the Act's beneficiaries the right to enforce the ``reasonable efforts'' requirement. The Act is mandatory only insofar as it requires a State to have an approved plan containing the listed features; and it is undisputed that the Illinois plan provides that reasonable efforts at prevention and reunification will be made. Respondents err in basing their §1983 argument, in part, on §671(a)(3)'s ``in effect'' language, which is directed to the requirement that the plan apply to all of a State's political subdivisions and is not intended to otherwise modify the word ``plan.'' Unlike the Medicaid legislation in *Wilder, supra*—which actually required the States to adopt reasonable and adequate reimbursement rates for health care providers and which, along with regulations, set forth in some detail the factors to be considered in determining the methods for calculating rates—here, the statute provides no further guidance as to how ``reasonable efforts'' are to be measured, and, within broad limits, lets the State decide how to comply with the directive. Since other sections of the Act provide mechanisms for the Secretary to enforce the ``reasonable efforts'' clause, the absence of a §1983 remedy does not make the clause a dead letter. The regulations also are not specific and provide no notice that failure to do anything other than submit a plan with the requisite features is a further condition on the receipt of federal funds. And the legislative history indicates that the Act left a great deal of discretion to the States to meet the ``reasonable efforts'' requirement. Pp.9–15.

2.The Act does not create an implied cause of action for private enforcement. Respondents have failed to demonstrate that Congress intended to make such a remedy available. See *Cort, supra; Transamerica Mortgage Advisors, Inc.* v. *Lewis,* 441 U.S. 11, 15–16. Pp.15–16.

917 F.2d 980, reversed.

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