

Parents' Rights and Children's Futures Depend on Fair Judges



Supreme Court Justice David Wecht is on the ballot Tuesday, Nov 4.

Justice Wecht's decisions on the state Supreme Court directly impact the lives of children.

The Rights of Children

Does a child have a right to know who their biological parent is? This matters because in family disputes if a biological father or mother is not raising a child, the child may not know who their biological parents are.

Justice Wecht decided that it's in a child's interest to permit genetic testing to prove that someone not raising a child is the child's biological parent.

The justice found that even if parents who are raising a child object, biological parents must be permitted to prove they are a child's real parents so that the child interests are protected by ensuring they can know who their biological parents are.



In his own words: *"All else being equal, where two or more adults claim paternity, a child's best interests ultimately may lie in having the truth of the matter discovered.... The genetic connection between father and child is not everything, and assigning biological relationships categorical primacy over substantive parent-child bonds would work an injustice of a different kind."*

The Justice continued... *If, however, the court finds that a putative father has established, by clear and convincing evidence, a reasonable possibility that testing would reveal him to be the biological father and that the best interests of the child lie in uncovering and assigning paternity based upon the biological connections involved, DNA evidence is warranted.*"

In a case on similar matter, he said: *"I do not suggest that a child... should always have to be told the entire unvarnished truth or that the appointed attorney must be the one to inform the child. But the gravity of terminating a child's relationship with a parent and with that parent's family is difficult to overstate.... To permit an attorney to withhold vital information from a child ... defeats and destroys that child's voice and role in the process."*

Citation: *Sitler v. Jones*, 334 A.3d 861, 873 (Pa. 2025)

State Duty to Fund Public Education



Can the state court decide if the state is meeting its constitutional requirement to fund public schools?

This matters because the Republican Senate leaders argued that only the legislature could decide if Pennsylvania was giving enough money to school districts to provide our kids with a thorough and efficient system of public education.

They also argued that all the Pennsylvania Constitution requires is that there be school buildings with the lights on and some adults inside.

Justice Wecht's decision allowed for a trial on school funding, after which the Commonwealth Court found that the funding system is not adequate and violates the Constitution.

Justice Wecht decided that lower courts were wrong in asserting that how the state funds schools is not a state court issue.

He said, *"... we agree with the broader proposition—long accepted by dozens of our sister courts—that it is feasible for a court to give meaning and force to the language of a constitutional mandate to furnish education of a specified quality, in this case 'thorough and efficient,' without trammeling the legislature in derogation of the separation of powers."* *"We cannot avoid our responsibility to monitor the General Assembly's efforts in service of its mandate and to measure those effects against the constitutional imperative, ensuring that non-constitutional considerations never prevail over that mandate."*

Citation: *William Penn Sch. Dist. v. Pennsylvania Dep't of Educ.*, 642 Pa. 236, 306–07, 170 A.3d 414, 457 (2017)

Ensuring Teenage Girls Can Access to the Healthcare They Need

Should state laws be able to restrict access to women's reproductive health care services? This matters because if the government can use gender to restrict access to health care services, then girls could be given different health care services than boys.

Justice Wecht agreed it is unconstitutional for women to be discriminated against by state laws that limit how the Medicaid covers women's reproductive health care if no such restrictions are in place for men.



He said, “*The Coverage Exclusion is a sex-based classification that applies only to health care sought by women, apportioning access to health care depending upon one’s sex and excluding funding for abortion, while simultaneously funding all reproductive health care for men. Any statute that singles out and targets the reproductive health choices of women, that creates a sex-based classification, or that arises from and perpetuates sex-based stereotypes, will trigger scrutiny under our ERA.*”

Citation: Allegheny Reprod. Health Ctr. v. Pennsylvania Dep't of Hum. Servs., 309 A.3d 808 (Pa. 2024)

Protection of Clean Water

Should companies that put clean water at risk be required to pay the legal costs for citizens fighting to protect the quality of drinking water? This matters because average citizens cannot be expected to cover the cost of filing objections to the location of new pipelines when those pipes are likely to cause contamination of the water supply and put the health of children at grave risk. Companies must bear the cost so that they have an incentive to do all they can to protect the state's waters.

Justice Wecht decided that natural gas companies must pay attorney fees for those objecting to a pipeline if the application is denied because of a proven risk to the state's waterways because it's essential that citizens have the resources to protect their drinking water.

He said, “The express legislative goal here is clean water, and the bulwark against its degradation is the permitting process as supplemented by the availability of citizen appeals. That process is impoverished if citizen action is rendered impracticable by a Board disinclined to employ liberally the mechanism the General Assembly gave it against any party that shares responsibility for whatever flaws are rectified by a given appeal. Shrinking the likelihood of fee recovery to the vanishing point can only deter citizens entrusted to police both DEP and those who solicit and then reap the benefits of DEP's approval.”

Citation: Clean Air Council v. Dep't of Env't Prot., 289 A.3d 928, 954 (Pa. 2023)

The Right for Children to Have Legal Representation

Should the court require that when a family dispute case involves the termination of parental rights due abandonment, neglect or abuse, the children involved need to be represented by a lawyer who will advocate for what the child wants, independent from the lawyers for any adults involved in the dispute. This matters because children need an advocate in court that will represent them without concern for how a legal matter will impact adults in the child's life.

Justice Wecht argued that children in family dispute over parental rights have the right to a lawyer who would argue for their legal interest.

He said, "Our General Assembly made a promise to the children of our Commonwealth: 'The court shall appoint counsel to represent the child in an involuntary termination proceeding when the proceeding is being contested by one or both of the parents.' This promise is not a suggestion. It is not a 'best practice.' It is not something that we hope our trial courts might consider. It is the law."

He also said, "The legislature has determined that this requires the participation of zealous legal counsel dedicated to gleaning and giving voice to a child's own ideas and wishes. Implicit as a matter of practical necessity is appellate review of counsel's satisfaction of the statutory mandate. Trust, but verify."

Citation: In re P.G.F, 665 Pa. 37, 247 A.3d 955. 978-979 (Pa. 2021)(Wecht, J. dissenting)

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Step 3: Cast a ballot — either in person or by-mail — in this important election!

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