

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



Supreme Court Justice Christine Donohue is on the ballot Tuesday, Nov 4.

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

Protecting the Air Our Children Breathe

Should Pennsylvania's environmental agencies be able to consider the health and safety of children and communities when deciding whether to allow gas drilling near schools and playgrounds?

This matters because gas wells near places where children play can threaten clean air, create harmful noise levels, and increase traffic hazards.

Justice Donohue found state regulations that require the state to consider public resources — like schoolyards, playgrounds, and parks — when reviewing drilling permits for gas wells are valid.

Justice Donohue found that outdoor recreation spaces are a basic element of quality of life and are protected by the Environmental Rights Amendment.

In her own words: "Unadulterated outdoor recreation space is a basic component of quality of life and encompassed in the broadly defined values of the environment protected by the [Environmental Rights Amendment] ... An unconventional gas well near spaces used by the public for recreational purposes could threaten the ambient air quality and cause significant noise pollution."

Citation: Marcellus Shale Coal. v. Dep't of Env't Prot., 292 A.3d 921 (Pa. 2023)



Ensuring Teenage Girls Can Access 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 Donohue 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.

She found that reproductive choice is central to women's equality and the ability to control their own lives.

In her own words: "Whether or not to give birth is likely the most personal and consequential decision imaginable in the human experience... This would be a hollow promise if women did not possess the ability to control their destiny... The right to reproductive autonomy is the right to self-determination."

Her decision affirms that reproductive choice is central to equality in society.

Citation: *Allegheny Reprod. Health Ctr. v. Pennsylvania Dep't of Hum. Servs.*, 309 A.3d 808, 905 (Pa. 2024)

Protecting Parental Rights

Should the state be required to make reasonable efforts to keep families together before terminating parental rights?

This matters because termination of parental rights is the most severe legal action the state can take against a parent, permanently ending the legal relationship between parent and child.

As a Superior Court judge, Justice Donohue emphasized that the state must first make reasonable efforts to reunify families before pursuing termination.

She found that requiring these efforts protects parents' constitutional rights while still allowing the state to intervene when a child's safety is at risk. In her own words: "There is no greater infringement of a parent's liberty interest in the care, custody, and control of his child than the termination of his parental rights... The legislature's requirement that the Agency provide reasonable efforts to promote reunification... is a clear effort to protect the parent's fundamental right with respect to his child."

Citation: *In re D.C.D.*, 2014 PA Super 81, 91 A.3d 173, 179–80, rev'd, 629 Pa. 325, 105 A.3d 662 (2014)



Abuse cannot be a reason for Insurance Companies to Deny Healthcare



Should insurance companies be allowed to deny coverage to domestic violence victims because the abuser was also insured under the policy?

This matters because a parent who is a victim of domestic violence would need insurance for their children, and barring insurance coverage to survivors would be harmful as they rebuild their lives.

Justice Donohue ruled that insurance companies may not deny claims from domestic violence victims if the loss of coverage was caused by an abusive spouse.

She found that this protection is essential so survivors are not punished financially for the actions of their abuser.

“The legislature... prohibited an insurance company from refusing to pay an insured for losses arising out of abuse if the loss is caused by the intentional act of another insured. The trial court’s interpretation... cannot stand, since the provision... cannot be read to permit an insurance company to do precisely what the legislature prohibited—deny the claim of an innocent co-insured based upon intentional acts of abuse by another insured.”

Citation: Lynn v. Nationwide Ins. Co., 2013 PA Super 101, 70 A.3d 814, 821–22 (2013)

Making it Easier for Parents to Vote

Is universal mail-in voting allowed under the Pennsylvania Constitution?

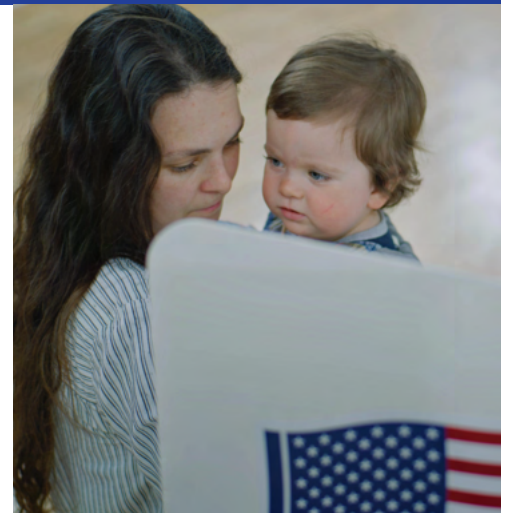
This is important for families because mail-in voting expands access for parents with young children who may not be able to stand in long lines on Election Day, as well as for seniors, people with disabilities, and others who face barriers getting to the polls.

Justice Donohue upheld Pennsylvania’s universal mail-in voting law.

She found that the law was a constitutional way to expand voting options while preserving election integrity.

In her own words: “More than one hundred years ago, this Court recognized that our Constitution mandates that elections be free and equal, but that the “the power to regulate elections is a legislative one, [which] has been exercised by the General Assembly since the foundation of the government”...For the reasons that follow, we find no constitutional violation, and so we reverse the order of the Court.”

Citation: McLinko v. Dep’t of State, 279 A.3d 539 (Pa. 2022)



Shielding Children from Life Sentences

Can a juvenile convicted of first-degree murder be sentenced to life in prison without the possibility of parole?

This case matters for children and families because it addresses whether young people who commit serious crimes can be deemed beyond rehabilitation and whether the justice system must provide a chance for release later in life.

Justice Donohue and the PA Supreme Court ruled that sentencing a juvenile to life without parole is only constitutional in the rarest cases.

She found that the U.S. Supreme Court held that mandatory life without parole for juveniles violates the Eighth Amendment, and that such sentences should be reserved only for those who cannot be rehabilitated.

In her own words: "...the Commonwealth bears the burden of proving, beyond a reasonable doubt, that the juvenile offender is incapable of rehabilitation. For a life-without-parole sentence to be constitutionally valid, the sentencing court must find that the juvenile offender is permanently incorrigible and that rehabilitation would be impossible."

Citation: Pennsylvania v. Batts, 1 PA Supreme (2022)



Make Your Plan to vote on November 4th.

Step 1: Visit our voting center to find your polling place, request a mail-in ballot, and more!

Step 2: Share this judicial election guide with friends and family before you vote.

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

children first
ACTION FUND