



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA, DEMOCRATIC CHAIRMAN
(717) 787-7683

July 2008

STATEWIDE JURY INFORMATION TO BE USED BY FEDERAL COURTS

Legislation sponsored by Senator Jay Costa would authorize federal courts to request and receive prospective juror information from the Administrative Office of the Pennsylvania Courts. Representatives of the United States District Court for the Western District of Pennsylvania expressed concerns with making the federal jury pools sufficiently diverse based on age, race and gender. Providing information assembled by the AOPC to meet similar concerns for county jury pools to federal court officials was also desirable. The legislation, originally introduced as S.B. 1423, was amended into House Bill 306 and adopted by the House and Senate. It was signed by Governor Rendell as Act 35 of 2008.

Act 37 of 2007, originally introduced as S.B. 116, created the Statewide Jury Information System in the Administrative Office of the Pennsylvania Courts. The Statewide Jury Information System authorizes the submission of information from the Departments of Public Welfare, Revenue, State and Transportation to the AOPC for the purposes of making a master list of potential jurors. This information is then disseminated to counties upon their request to supplement county juror information.

Act 35 of 2008 (S.B. 1423) will make information from the Statewide Jury Information System available to federal judicial officials upon request to supplement the voter registration lists that are used to assemble federal jury pools. The

AOPC will release the list of names for the specified counties within the jurisdiction of the United States District Court upon request of the court's chief clerk. As in Act 37, the information that may be released by AOPC to federal officials is limited to the name, address and date of birth for each person on the list. It may not contain any other information including the source of the name on the list and may not be used for any other purpose.

■ Child Fatality Reviews

Legislation sponsored by Senator LeAnna Washington provides comprehensive amendments to the domestic relations code regarding child fatality reviews. (S.B. 1147, P.N. 2159).

This bill amends §6303 of Title 23 (Domestic Relations) to provide a definition of 'Children's Advocacy Center', which is defined as a local agency or not-for-profit entity incorporated under our law, and which operates for the primary purpose of formulating a formalized and multi-disciplinary approach to suspected child abuse. This section also defines 'substantiated child abuse' as that for which there exists a founded or indicated report.

The bill amends 23 Pa. CSA §6318(a) to provide for immunity from liability for cooperation by any hospital, institution, school, facility or agency, in an investigation of suspected child abuse by the release

of information to assist that investigation.

Further, the bill adds a paragraph to 23 Pa. CSA §6340. This paragraph, provides for the release of information from confidential reports referred to in §6339, to a child fatality or near fatality review team.

The bill amends 23 Pa. CSA §6342 to add new subsection (b), to provide for a data form to facilitate the collection of statistical data regarding child fatalities or near fatalities, for use in a larger study of the issue, as mandated by the statute.

A new subsection is added, which directs the department of public welfare to create a report of any child fatality or near fatality, after review of all information, and within six (6) months after a report of a child fatality or near fatality is filed. The completed report must be made available to appropriate agencies and may be made available to the public, after confidential or identifying information has been purged (except, of course, the identity of a deceased child, and whether they met their death while in the custody of a public or private agency, and its name, as well as the identity of any county agency involved in the investigation of the incident) Yet this public release may be blocked if the district attorney certifies that this release will compromise a pending criminal investigation. DA certification can last for sixty, (60) days, unless renewed by the chief prosecutor.

The department is authorized to designate the child fatality and near fatality review teams as citizen review panels, with direction to examine all aspects of the death or near death of a child which is not deemed a result of suspected child abuse or even natural causes.

The bill amends 23 Pa. CSA §6365, by adding subsection (d) to provide for the Child Fatality and Near Fatality Review Teams, and written reports. Its provisions would require that in cases where a child dies or nearly dies as a result of reported abuse, a review team must convene, (in accordance with a protocol developed by the local agency) that includes the local agency and the district attorney, no later than thirty one (31) days after the report, to review and assess the circumstances of the child fatality or near fatality. The section provides for representatives from thirteen different sources, such as the coroner’s office, or a mental health professional, and charges them to prepare a final report, within ninety (90) days, to assess all aspects of the event, including an assessment of the delivery of any of a broad range of services to the deceased or injured child and their family prior to the event.

This report may be released to the public, after excise of confidential information, unless the district attorney certifies its release will compromise an investigation. This report is submitted to the department, and under new subsection (e), a response by the department is due within forty-five (45) days, which shall be released to the public, unless the district attorney certifies such release will compromise a pending investigation. The certification precluding release shall be good for sixty (60) days, but may be renewed. This section also amends 23 Pa. CSA §6367, by adding subsection (c), to provide that county agencies must

notify the department within forty-eight (48) hours of its involvement with the child or its family, where there has been a fatality or near fatality, and whether the child was in the agency’s custody at the time of the incident.

*Current Status—Approved by the Governor, July 3, 2008
Act. No 33*

■ Judicial Nominations

Governor Rendell nominated the following to the courts of common pleas.

- Joseph K. Williams, III
to the Allegheny County
Court of Common Pleas
- Maureen T. Beirne
to the Bradford County
Court of Common Pleas
- Joseph J. Musto
to the Luzerne County
Court of Common Pleas

- Andrew B. Cantor
to the Montgomery County
Court of Common Pleas

■ Costa and Kitchen call for review of county probation and parole services

Senators Jay Costa and Shirley Kitchen have requested that the Senate Judiciary Committee conduct public hearings to discuss their concerns with the lack of Commonwealth funding for the various county probation and parole offices throughout Pennsylvania. In light of the December 2000 Legislative Budget and Finance Committee report and emphasis on probation and parole contained in the sentencing reform package of House Bills 4, 5, 6 and 7, it is clear that an even greater burden may be placed on county probation and parole services.

REMINDER:
If you would like to receive The Judiciary Review electronically,
please forward your e-mail address to costa@pasenate.com



**STATE SENATOR
JAY COSTA**

OFFICES TO SERVE YOU

FOREST HILLS

1501 Ardmore Blvd. • Suite 403
Pittsburgh, PA 15221 • (412) 241-6690

CARRICK

2306 Brownsville Road
Pittsburgh, PA 15210 • (412) 488-6111

HOMESTEAD

314 East 8th Avenue
Homestead, PA 15120 • (412) 565-7536

HARRISBURG

Senate Box 203043
Harrisburg, PA 17120-3043 • (717) 787-7683

E-MAIL: costa@pasenate.com

WEB SITE: www.SenatorCosta.com