

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 1 of 11

April 9, 2020

## CAPTION

In Re: The Petition of C.Z., A.O., and Z.S.-W., on behalf of all similarly situated individuals, Petitioners

## CASE INFORMATION

Initiating Document: Application for Extraordinary Relief

Case Status: Decided/Active

Journal Number:

Case Category: Juvenile Case Type(s): Other

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Attorney: Heller, Nathan Paul  
DLA Piper US LLP

Address: One Liberty Place  
1650 Market Street, Ste 5000  
Philadelphia, PA 19103-7300

Phone No: (215) 656-3372

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: O., A., Petitioner

Pro Se: No

IFP Status:

Representing: S.-W., Z., Petitioner

Pro Se: No

IFP Status:

Representing: Z., C., Petitioner

Pro Se: No

IFP Status:

Attorney: Feerman, Jessica Rachel  
Juvenile Law Center

Address: 1800 Jfk Blvd Ste 1900b  
Philadelphia, PA 19103

Phone No: (215) 625-0551

Receive Mail: Yes

Representing: O., A., Petitioner

Pro Se: No

IFP Status:

Representing: S.-W., Z., Petitioner

Pro Se: No

IFP Status:

Representing: Z., C., Petitioner

Pro Se: No

IFP Status:

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 2 of 11

April 9, 2020

## COUNSEL INFORMATION

Attorney: Fine, Lauren Andrea  
 Youth Sentencing & Reentry Project  
 Address: Youth Sentencing & Reentry Project Ysrp  
 1528 Walnut St Ste 515  
 Philadelphia, PA 19102  
 Phone No: (610) 585-0887  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: O., A., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: S.-W., Z., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: Z., C., Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Levick, Marsha  
 Juvenile Law Center  
 Address: 1800 JFK Blvd., Suite 1900B  
 Philadelphia, PA 19103  
 Phone No: (215) 625-0551  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: O., A., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: S.-W., Z., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: Z., C., Petitioner  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 3 of 11

April 9, 2020

## COUNSEL INFORMATION

Attorney: Lindell, Karen Usselman  
 Juvenile Law Center  
 Address: 1800 Jfk Blvd Ste 1900b  
 Philadelphia, PA 19103  
 Phone No: (215) 625-0551  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: O., A., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: S.-W., Z., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: Z., C., Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Robb, Emily  
 Youth Sentencing & Reentry Project  
 Address: 1528 Walnut St  
 Ste 515  
 Philadelphia, PA 19102  
 Phone No: (267) 703-8050  
 Receive Mail: Yes  
 Representing: O., A., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: S.-W., Z., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: Z., C., Petitioner  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 4 of 11

April 9, 2020

## COUNSEL INFORMATION

Attorney: Saleski, Courtney G.  
 DLA Piper LLP (US)  
 Address: DLA Piper LLP US  
 1650 Market St Ste 5000  
 Philadelphia, PA 19103  
 Phone No: (215) 656-2431  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: O., A., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: S.-W., Z., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: Z., C., Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Visser, Joanna L.  
 Youth Sentencing & Reentry Project  
 Address: 1528 Walnut St Ste 515  
 Philadelphia, PA 19102  
 Phone No: (267) 703-8047  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: O., A., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: S.-W., Z., Petitioner  
 Pro Se: No  
 IFP Status:  
 Representing: Z., C., Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Boynton, Alan R., Jr.  
 McNees Wallace & Nurick LLC  
 Address: Po Box 1166  
 Harrisburg, PA 17108-1166  
 Phone No: (717) 237-5352  
 Receive Mail: Yes  
 Representing: County Commissioners Association of Pennsylvania, Respondent  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 5 of 11

April 9, 2020

## COUNSEL INFORMATION

Attorney: Daley, Michael  
Administrative Office of Pennsylvania Courts  
Address: 1515 Market St., Suite 1414  
Philadelphia, PA 19102  
Phone No: (215) 560-6300  
Receive Mail: Yes  
Representing: Administrative Office of Pennsylvania Courts, Respondent  
Pro Se: No  
IFP Status:

Attorney: Graziano, Jill Marie  
Address: Pennsylvania District Attorneys Association  
2929 N. Front Street  
Harrisburg, PA 17110  
Phone No: (717) 231-5416  
Receive Mail: Yes  
Representing: Pennsylvania District Attorney's Association, Respondent  
Pro Se: No  
IFP Status:

Attorney: Perez, Theron Richard  
Department of Corrections  
Address: 1920 Technology Pkwy  
Mechanicsburg, PA 17050-8507  
Phone No: (717) 728-2574  
Receive Mail: Yes  
Representing: Department of Corrections, Respondent  
Pro Se: No  
IFP Status:

Attorney: Schwab, Gregory George  
Pennsylvania Office of General Counsel  
Address: Governor's Office Of General Counsel  
333 Market St 17th Fl  
Harrisburg, PA 17126-0333  
Phone No: (717) 787-9354  
Receive Mail: Yes  
Representing: Wolf, Tom W., Respondent  
Pro Se: No  
IFP Status:

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 6 of 11

April 9, 2020

## COUNSEL INFORMATION

Attorney: Serafin, Kenneth J.  
 Pennsylvania Department of Human Services, Bureau of Hearings and Appeals  
 Address: Office Of General Counsel  
 625 Forster St 3rd Fl West  
 Harrisburg, PA 17120  
 Phone No: (717) 783-2800  
 Receive Mail: Yes  
 Representing: Pennsylvania Department of Human Services, Respondent  
 Pro Se: No  
 IFP Status:

Attorney: Shapiro, Joshua D.  
 Address: PA Office of Attorney General  
 Strawberry Sq 16th Floor  
 Harrisburg, PA 17120  
 Phone No: (717) 705-3833  
 Receive Mail: Yes  
 Representing: Commonwealth of Pennsylvania, Respondent  
 Pro Se: No  
 IFP Status:

Attorney: Eisenberg, Ronald  
 Pennsylvania Office of Attorney General  
 Address: Pennsylvania Attorney General's Office  
 1600 Arch St  
 Philadelphia, PA 19103  
 Phone No: (267) 940-6676  
 Receive Mail: Yes  
 Representing: Commonwealth of Pennsylvania, Respondent  
 Pro Se: No  
 IFP Status:

Attorney: Holmes, Timothy Andres  
 Address: Pennsylvania Department of Corrections  
 1920 Technology Pkwy  
 Mechanicsburg, PA 17050-8507  
 Phone No: (717) 728-7747  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Department of Corrections, Respondent  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 7 of 11

April 9, 2020

## COUNSEL INFORMATION

Attorney: McLees, Matthew John  
 Pennsylvania Department of Human Services, Bureau of Hearings and Appeals  
 Address: Pa-Dhs-office Of General Counsel  
 625 Forster St 3rd Fl West  
 Harrisburg, PA 17120  
 Phone No: (717) 783-2800  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania Department of Human Services, Respondent  
 Pro Se: No  
 IFP Status:

Attorney: Piatkowski, Tracy Saylor  
 Montgomery County District Attorney's Office  
 Address: P.O. Box 311  
 Norristown, PA 19404-0311  
 Phone No: (610) 278-3143  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania District Attorney's Association, Respondent  
 Pro Se: No  
 IFP Status:

Attorney: Shank, Claudia Nadine  
 McNees Wallace & Nurick LLC  
 Address: 570 Lausch Ln Ste 200  
 Lancaster, PA 17601-3057  
 Phone No: (717) 581-3730  
 Receive Mail: Yes  
 Representing: County Commissioners Association of Pennsylvania, Respondent  
 Pro Se: No  
 IFP Status:

Attorney: Zerbe, Anne Elizabeth  
 McNees Wallace & Nurick LLC  
 Address: 316 N George St  
 York, PA 17406  
 Phone No: (717) 714-6370  
 Receive Mail: Yes  
 Representing: County Commissioners Association of Pennsylvania, Respondent  
 Pro Se: No  
 IFP Status:

## FEE INFORMATION

| Fee Dt     | Fee Name                             | Fee Amt | Receipt Dt | Receipt No        | Receipt Amt |
|------------|--------------------------------------|---------|------------|-------------------|-------------|
| 04/01/2020 | Extraordinary / Plenary Jurisdiction | 70.25   | 04/02/2020 | 2020-SUP-E-000992 | 70.25       |

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 8 of 11

April 9, 2020

## AGENCY/TRIAL COURT INFORMATION

Court Below:

County:

Division:

Date of Agency/Trial Court Order:

Docket Number:

Judge(s):

OTN:

Order Type:

## ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content/Description |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

## Record Remittal:

## DISPOSITION INFORMATION

Related Journal No:

Judgment Date:

Category:

Decided

Disposition Author:

Per Curiam

Disposition:

Order Denying Application for  
Extraordinary Relief

Disposition Date:

April 7, 2020

Dispositional Filing:

Author:

Filed Date:

## DOCKET ENTRY

| Filed Date           | Docket Entry / Representing                                                             | Participant Type                       | Filed By                                        |
|----------------------|-----------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------|
| <b>April 1, 2020</b> | <b>Application for Extraordinary Relief Under the Court's King's Bench Jurisdiction</b> | Petitioner<br>Petitioner<br>Petitioner | Z., C.<br>O., A.<br>S.-W., Z.                   |
| <b>April 3, 2020</b> | <b>Praecepte for Appearance</b><br>Department of Corrections                            | Respondent                             | Holmes, Timothy Andres                          |
| <b>April 3, 2020</b> | <b>No Answer Letter to Application for Extraordinary Relief (DOC)</b>                   | Respondent                             | Department of Corrections                       |
| <b>April 3, 2020</b> | <b>No Answer Letter to Application for Extraordinary Relief (AOPC)</b>                  | Respondent                             | Administrative Office of<br>Pennsylvania Courts |
| <b>April 3, 2020</b> | <b>No Answer Letter to Application for Extraordinary Relief (Wolf)</b>                  | Respondent                             | Wolf, Tom W.                                    |
| <b>April 3, 2020</b> | <b>Praecepte for Appearance</b><br>Pennsylvania District Attorney's<br>Association      | Respondent                             | Piatkowski, Tracy Saylor                        |

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 9 of 11

April 9, 2020

## DOCKET ENTRY

| Filed Date                                                                                                                                                          | Docket Entry / Representing                                                                         | Participant Type | Filed By                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------|--------------------------------------------------|
| April 3, 2020                                                                                                                                                       | <b>Answer to Application for Extraordinary Relief (Pa.D.A. Assoc.)</b>                              | Respondent       | Pennsylvania District Attorney's Association     |
| April 3, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Extraordinary Relief (OAG)</b>                               | Respondent       | Commonwealth of Pennsylvania                     |
| April 3, 2020                                                                                                                                                       | <b>Answer to Application for Extraordinary Relief (CCA of Pa.)</b>                                  | Respondent       | County Commissioners Association of Pennsylvania |
| April 3, 2020                                                                                                                                                       | <b>Answer to Application for Extraordinary Relief (Pa. DHS)</b>                                     | Respondent       | Pennsylvania Department of Human Services        |
| April 3, 2020                                                                                                                                                       | <b>Praecipe for Appearance</b>                                                                      |                  |                                                  |
|                                                                                                                                                                     | Pennsylvania Department of Human Services                                                           | Respondent       | Serafin, Kenneth J.                              |
|                                                                                                                                                                     | Pennsylvania Department of Human Services                                                           | Respondent       | McLees, Matthew John                             |
| April 6, 2020                                                                                                                                                       | <b>Applic. for Relief to File Reply Brief in Support of Pet.s' Applic. for Extraordinary Relief</b> | Petitioner       | Z., C.                                           |
|                                                                                                                                                                     |                                                                                                     | Petitioner       | O., A.                                           |
|                                                                                                                                                                     |                                                                                                     | Petitioner       | S.-W., Z.                                        |
| Comments:<br>Application for Relief to File Reply Brief in Support of Petitioners' Application for Extraordinary Relief Under the Court's King's Bench Jurisdiction |                                                                                                     |                  |                                                  |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (AOPC)</b>                                            | Respondent       | Administrative Office of Pennsylvania Courts     |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (Wolf)</b>                                            | Respondent       | Wolf, Tom W.                                     |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (Pa. DHS)</b>                                         | Respondent       | Pennsylvania Department of Human Services        |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (DOC)</b>                                             | Respondent       | Department of Corrections                        |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (CCA of Pa.)</b>                                      | Respondent       | County Commissioners Association of Pennsylvania |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (Pa. D.A. Assoc.)</b>                                 | Respondent       | Pennsylvania District Attorney's Association     |
| April 6, 2020                                                                                                                                                       | <b>No Answer Letter to Application for Relief (OAG)</b>                                             | Respondent       | Commonwealth of Pennsylvania                     |

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 24 EM 2020

Page 10 of 11

April 9, 2020

## DOCKET ENTRY

| Filed Date    | Docket Entry / Representing                                                                    | Participant Type | Filed By   |
|---------------|------------------------------------------------------------------------------------------------|------------------|------------|
| April 7, 2020 | Order Denying Application for Extraordinary Relief under the Court's King's Bench Jurisdiction |                  | Per Curiam |

## Comments:

AND NOW, this 7th day of April, 2020, the "Application for Extraordinary Relief under the Court's King's Bench Jurisdiction," asking this Court to direct the reduction of the number of youth in detention, correctional, and other residential facilities under the jurisdiction of the juvenile and criminal courts across the Commonwealth by ordering, inter alia, that juveniles entering the juvenile system not be placed into detention and that juveniles in detention be reviewed for release, with certain presumptive categories of juveniles being immediately released, in order to prevent the spread of COVID-19 in facilities housing juveniles is DENIED. Nevertheless, pursuant to Pennsylvania Rule of Judicial Administration 1952(A) and this Court's constitutionally conferred general supervisory and administrative authority over all courts and magisterial district judges, see PA. CONST. art V, § 10(a), this Court explains and DIRECTS as follows:

The potential outbreak of COVID-19 in facilities housing juveniles in detention poses an undeniable threat to the health of juvenile detainees, facility staff and their families, and the surrounding community. Accordingly, action to mitigate the potential of a public health crisis is appropriate. We acknowledge that in many judicial districts, judges, district attorneys, the defense bar, juvenile probation officers, and other relevant stakeholders are currently engaged in a concerted proactive effort to reduce transmission of the disease in juvenile facilities and surrounding communities through careful, individualized, reduction of institutional populations and other preventative measures. In light of Petitioners' allegations that not all judicial districts have so responded, there remains the potential of unnecessary overcrowding in these facilities which should be addressed for the health and welfare of correctional staffs, juvenile residents, medical professionals, as well as the general public.

We emphasize, however, that the immediate release of juveniles detained in various facilities, as sought by Petitioners, fails to take into account the individual circumstances of each juvenile, including any danger to them or to others, as well as the diversity of situations present within individual institutions and communities. Nevertheless, we recognize that the public health authorities, including the Centers for Disease Control and Prevention and the Pennsylvania Department of Health, continue to issue guidance on best practices for institutions where individuals are detained specifically and congregate settings generally to employ preventative measures, including social distancing to control the spread of the disease. Moreover, we acknowledge the statewide efforts of the Juvenile Court Judges' Commission to eliminate the threat of COVID-19 within Pennsylvania's juvenile residential placements.

Accordingly, we DIRECT President Judges, or their designees, to engage with all relevant county stakeholders to review immediately the current capabilities of residential placements within their counties where judges have placed juveniles to address the spread of COVID-19. President Judges should also consult with relevant county stakeholders to identify juveniles and/or classes of juveniles for potential release from placement to reduce the current and future populations of the institutions during this public health crisis with careful regard for the individual circumstances of juveniles in placement as well as their safety and the public's safety with awareness of any statutory rights of victims. Moreover, consistent with these considerations, judges are to undertake efforts to limit the introduction of new juveniles into the juvenile detention system during the COVID-19 pandemic.

Finally, we observe that Petitioners express confusion regarding whether county courts can review existing detention and placement orders pursuant to our Statewide Emergency Order dated March 18, 2020, generally closing Pennsylvania courts to the public as to non-essential functions. As set forth in our March 18, 2020, Statewide Emergency Order, we reiterate that essential court functions include: juvenile delinquency detention; juvenile emergency shelter and detention hearings; and emergency petitions for child custody or pursuant to any provision of the Juvenile Act, 42 Pa.C.S. §§ 6301 - 6375.

Finally, Petitioners' "Application for Relief to File Reply Brief in Support of Petitioners' Application for Extraordinary Relief Under the Court's King's Bench Jurisdiction" is GRANTED.

**Supreme Court of Pennsylvania**



**Miscellaneous Docket Sheet**

**Docket Number: 24 EM 2020**

**Page 11 of 11**

**April 9, 2020**

**DOCKET ENTRY**

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|------------|-----------------------------|------------------|----------|
|------------|-----------------------------|------------------|----------|

Justice Dougherty did not participate in the consideration or decision of this matter.

**April 7, 2020**

**Order Exited**

Office of the Prothonotary