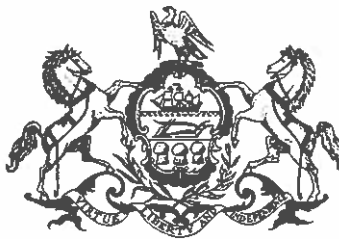


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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MEMORANDUM

DATE: JANUARY 26, 2011
TO: ALL HOUSE MEMBERS
FROM: REPRESENTATIVE EDDIE DAY PASHINSKI
SUBJECT: STATE REIMBURSEMENT FOR JUVENILE COUNSEL

I plan to re-introduce legislation to clarify that counties will be reimbursed for fifty per cent of the cost of legal counsel required for juveniles in delinquency proceedings.

The Juvenile Act and Pennsylvania Supreme Court Rules clearly provide juveniles with the right to legal counsel in proceedings under the Juvenile Act. The importance of juvenile counsel was underscored in the May 2010 Interbranch Commission Report on Juvenile Justice, which found that, contrary to law and court rule, at least 1,800 juvenile defendants were denied right to counsel over a 5-year period in Luzerne County. The majority of these unrepresented juveniles were sent to expensive out-of-home placements in exchange for kickbacks, and many cases involved placement for minor and trivial acts that would never have made it to juvenile court in other counties.

As part of an effort to restore the public's faith in the judicial system, the Commission recommended that the General Assembly identify a funding stream for juvenile defense that supports the traditional efforts of counties to provide financial resources for this constitutionally mandated right to counsel.

The Commission also found that Pennsylvania and Utah are the only states that are not providing state funding for juvenile defense.

The proposed legislation amends the Public Welfare Code to clarify that counties will be reimbursed for fifty percent of expenses for legal counsel for a child in proceedings under the Juvenile Act. Current law states that fifty percent reimbursement is available on behalf of a child for a guardian pendente lite and other like expenses incurred in proceedings under the Juvenile Act. However, in March 2009, the Department of Public Welfare notified counties they would not be reimbursed for counsel for juveniles in delinquency proceedings, claiming the law did not provide for these costs.

This bill is similar to HB 1391 of 2009, which was reported unanimously out of the House Judiciary Committee.

If you would like to co-sponsor this bill, please contact Lauren in my office at lbordner@pahouse.net.