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CAREGIVING

These primary judicial races could affect caregiving statewide. 4 court cases show how.

by Sarah Boden for Spotlight PA | May 19, 2025




KENT M. WILHELM / SPOTLIGHT PA

- ✉ On Tuesday, Pennsylvania Democrats and Republicans will choose candidates for openings on two powerful appellate courts that shape caregiving statewide.
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- ↪ These courts — Commonwealth and Superior — can affirm or reverse rulings from lower benches, and play critical roles in the state judicial system.

Commonwealth Court handles cases brought against local and state governments, from regulatory agencies to school districts to the legislature. Superior Court hears civil and criminal appeals, ruling on child custody disputes, malpractice cases, and many other issues involving kids and caregivers.

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For most cases, Commonwealth and Superior Courts are the end of the line, as the Pennsylvania Supreme Court considers only a minority of appeals. In the past several years, cases heard by these intermediate courts have changed how public education is funded and created a new legal pathway to parenthood.

To help prepare you to vote on these key roles and show how rulings from these benches can affect you, Spotlight PA has chosen consequential caregiving-related cases that have moved through these courts. Learn more about them below:

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Case: [William Penn School District et al. v. Pennsylvania Department of Education et al.](#)

Issue: The right to education and school funding

The petitioners in this case — a coalition of school districts, parents, an education nonprofit, and the NAACP— sued the Pennsylvania education department and elected leaders over how the state funds public schools. They argued the state's method for funding public K-12 education, which heavily depends on property taxes, discriminates against poor school districts.

A Commonwealth Court judge ruled in the petitioners' favor, finding that education is a fundamental right and that the state's funding scheme was unconstitutional.

Because of that decision, the legislature has had to [take steps](#) to close the gap between wealthy and poor schools. As part of last year's budget, the state's poorest schools received an [additional \\$500 million](#), for instance.

Dan Urevick-Ackelsberg, a Philadelphia attorney who was part of the legal team that won the case, told Spotlight PA that the

\$500 million provided to poor schools is just a fraction of the \$4.5 billion that the state legislature and governor determined is needed. But it's a start, he added: "This is not like you snap your fingers, and this is done."

The attorney said the petitioners will return to Commonwealth Court if the state fails to make meaningful progress, but argued that this ruling is particularly salient against the backdrop of the Trump administration's stated goal of [dismantling the U.S. Department of Education](#).

"No matter what happens around the country, every Pennsylvania child, no matter what you look like [or] where you were born, you have a fundamental right to a contemporary, effective public education," Urevick-Ackelsberg said.

Case: [Allegheny Reproductive Health Center et al. v. Pennsylvania Department of Human Services et al.](#)

Issue: Equal protection against gender discrimination

A group of Pennsylvania reproductive health clinics is challenging the state's prohibition on using taxpayer-funded Medicaid insurance to pay for an abortion, which only makes exceptions in cases of rape, incest, or a pregnant person's life being endangered.

They argue the ban violates the state constitution, which [forbids discrimination based on sex](#).

Commonwealth Court ruled in 2021 that the clinics didn't have the right to sue because the ban affects their patients and not them as providers.

But the state Supreme Court took up the appeal, overturned the lower court's ruling, and sent the matter back to Commonwealth Court.

Now, Pennsylvania's attorney general must prove that the Medicaid ban, which remains in place, is the least restrictive way for the

state to advance its “compelling government interest” of discouraging abortion.

This is a high bar, and the case will likely return to the state Supreme Court, said Seth Kreimer, a law professor at the University of Pennsylvania.

Whatever happens next will significantly affect parents and families; a [2022 survey](#) by health policy research org KFF found that nearly six in 10 abortion patients have had at least one previous birth. [Other studies](#) show that finances and the need to focus on other children are common reasons people end pregnancies.

The state Supreme Court ruling could shape other health issues as well, said Sue Frietsche, executive director of the Pennsylvania-based Women's Law Project.

Frietsche represents the clinics that brought the suit, which she said provides a possible blueprint for challenges to other abortion restrictions and could be used to expand access to medical care for transgender Pennsylvanians.

“Both those areas are about both gender and health. So you have two very important connections,” said David Harris, a constitutional law professor at the University of Pittsburgh.

Such cases face a more difficult path in federal courts, in part because the U.S. Constitution does not explicitly forbid sex discrimination.

Case: [*Glover v. Junior*](#)

Issue: Rights of non-biological parents

The case involves a divorced lesbian couple who separated before the birth of their son and before the non-biological mother could obtain a second-parent adoption. Many non-biological parents seek these adoptions to ensure they have the same legal rights as their partners.

The women initially pursued parenthood as a couple, [according to court documents](#).

They selected a sperm donor, signed contracts with a sperm bank and fertility clinic, shared the costs of in vitro fertilization, planned a baby shower, and agreed on their child's name, legal filings say.

But after their son was born, the biological mother argued that her ex was not the boy's legal parent, kicking off a three-year custody battle that moved from a court of Common Pleas to Superior Court, and finally to the state Supreme Court, which upheld the lower court's ruling.

The high court ruled in March that the non-biological mother is legally the boy's parent, adopting what the majority opinion called "the doctrine of intent-based parentage."

This created an entirely new legal path to establish parental rights in Pennsylvania. Now, when determining a parent's legal status, courts must consider evidence showing individuals intentionally pursued parenthood.

A coalition of LGBTQ legal organizations praised the landmark decision, saying it protects the children of these families, and affirms the dignity and rights of Pennsylvanians who become parents with the aid of reproductive technology.

"This is a clear and easy to apply rule, and it means that children won't be stripped of a parent just because the adult relationship breaks down," said Patience Crozier, director of family advocacy for GLAD Law. The organization was among the legal groups that filed an amicus brief for the case.

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Case: [*Commonwealth v. King*](#).

Issue: Cruel punishments in juvenile sentencing

This case centers on whether a de facto life sentence for a juvenile offender is unconstitutionally cruel because it denies him the opportunity to reenter society as a matured and rehabilitated adult.

Petitioner Ivory King, who was sentenced to four consecutive 20-year sentences for killing four people when he was 17, is suing the commonwealth.

King's argument pulls in part from a U.S. Supreme Court ruling that found juvenile offenders are constitutionally different from adults due to their immaturity, a general inability to remove themselves from bad situations, and a greater capacity to change.

The state Supreme Court recently [agreed](#) to hear King's [appeal](#) from Superior Court.

The appeal also challenges his sentence based on the Pennsylvania Constitution's prohibition against "[cruel punishments](#)." The phrasing differs from the U.S. Constitution's Eighth Amendment, which bans punishments if they are both cruel and unusual.

This makes cruel punishments unconstitutional in Pennsylvania, even if those punishments are common, said Marsha Levick, chief legal officer at the Philadelphia-based Juvenile Law Center.

Levick submitted an [amicus brief](#) on behalf of King, who will be 97 when he's eligible for

release and therefore likely to die in prison.

In addition to possibly changing juvenile sentencing, the case could lead to a prohibition on subjecting Pennsylvania kids to strip searches or putting them in solitary confinement, Levick said.

“It's hard to imagine something that could be more cruel, more traumatic than that,” she said of the latter, “and yet we allow it.”

Melissa Chapaska, a Harrisburg-based attorney for HMS Legal who writes for the blog [Pennsylvania Appellate Advocate](#), told Spotlight PA that she thinks Levick's theory has potential. Like other institutions, the courts are becoming more aware of how mental health and trauma shape child development, she said.

“That's the beauty of the thing,” she said of the law. “It is evolving ... While we do have to follow legal precedent, that doesn't mean that we're stuck. And that's why these judicial elections matter.”

Sarah Boden

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