

**[J-85-2010][Orie Melvin, J. - MO]  
IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

D.R.C., SR.,	:	No. 27 MAP 2010
	:	
v.	:	
J.A.Z.,	:	
	:	Appeal from the Order of the Superior
v.	:	Court at No. 1167 MDA 2009 dated March
	:	5, 2010 affirming the Order of the Court of
PENNSYLVANIA DEPARTMENT OF	:	Common Pleas, York County dated April
CORRECTIONS,	:	14, 2009, at No. 2004-FC-354-03.
	:	
Intervenor	:	
	:	
APPEAL OF: PENNSYLVANIA	:	
DEPARTMENT OF CORRECTIONS	:	ARGUED: October 20, 2010
INTERVENOR	:	

**CONCURRING OPINION**

**MR. JUSTICE EAKIN**

**DECIDED: November 23, 2011**

Here, we have been asked to decide whether a trial court can compel the Department of Corrections (DOC) to provide counseling as part of an inmate's attempt to obtain visitation with his child. I agree with Justice Saylor that there is no basis, in statute or case law, to impose the cost of counseling on the DOC. Had the General Assembly wished the DOC to provide this counseling, it could have readily done so. This ends the analysis. Thus, it is unnecessary to address whether the Domestic Relations Code requires currently incarcerated inmates, such as Father, to undergo counseling when seeking visitation with their children. I also agree with the majority, contrary to any suggestion by the legislative history, the judiciary is all too well aware of the risk domestic violence poses.

Therefore, I respectfully concur in the result.