



The Uniform Parentage Act Would Solidify Bad Court Ruling

Analysis by Judge Cheryl Allen, retired

The Uniform Parentage Act, House Bill 350, cannot serve to codify the Pennsylvania Supreme Court's decision in *Glover v. Junior* into law. The Court granted review of the Superior Court's en banc decision based upon issues which concern the right to legal parentage of a child conceived through Assisted Reproductive Technology, for persons having no biological or gestational relationship to the child. According to the majority opinion, when two individuals jointly intend to create a child using ART, that shared intent can form the basis for legal parenthood, even absent a biological, adoptive, or equitable connection. The majority's purpose in adopting Intent-Based Parenting was to create **legal protections for non-biological, non-gestational same-sex parents instead of legal protections for children.**

By detaching parentage from biology, adoption, equity, and contract, the court treats children as mere commodities. Pennsylvania law aims to protect the stability of children's family lives. Pursuant to 23 Pa.C.S. sec.5328(a)(4), custody courts should consider the need for stability and continuity in the child's education, family life, and community life. The majority's decision in *Glover v. Junior* is completely devoid of any consideration of these factors. Intent-based Parenting would not require prospective parents to be screened. It also opens the door to the commercialization of women and children.

Also, while claiming this legislation would benefit and protect children and families, none of the testimony offered at the hearing before the House Children and Youth Committee addressed any of the safety concerns expressed in the written testimony submitted by Them Before Us. Judicial economy and efficiency as well as protecting non-biological and non-gestational persons and sperm donors so they won't experience legal complications and vulnerabilities, were primarily emphasized in the testimony and the questions asked by the committee members.

The safety and well-being of children should be paramount when considering legislation concerning parental rights. Both House Bill 350 and the case of *Glover v. Junior* fail to address those concerns.



717-545-0600 • 23 N. Front St., Harrisburg, PA 17101



/pafamily



@PFIpolicy



/pafamilycouncil