

Uniform Parentage Act: Bad for Children

House Bill 350 redefines parentage on the basis of *intent*, removes biological parents, and redefines parents as anyone who ‘intends’ to parent. HB 350 would expand commercial and genetic surrogacy and even allows for post-conception validation of surrogacy contracts and potentially paid surrogacy arrangements using natural conception (i.e., paid intercourse.) This bill potentially exploits both women and children, treating them as commodities to be bought rather than humans with inherent dignity. Children are deemed to be nothing more than personal property.

This bill would allow someone who cannot biologically be the second parent of a child (e.g., two mothers or two fathers) to be the parent and thus have full parentage rights over a child to whom they are not related without going through the adoption process and its important screening protections.

- **The bill establishes parentage on the basis of intent.** Rather than recognizing the natural biological bond between a parent and child, this bill allows unrelated adults to be listed on children's birth certificates simply because they *intend* to parent the child. This violates a child's right to know who their parents are. Even in cases of adoption, biological parents are sealed until the child is 18 years of age. The Uniform Parentage Act would make it so that the information is never recorded in the first place.
- **Children lose access to their family history.** By establishing parentage on the basis of intent and removing biological parents from birth certificates and records, the bill severs children from their family history. Research shows that donor-conceived children struggle with the same identity questions that many adoptees wrestle with. Additionally, they deal with a lack of access to family medical histories and the possibility of living in close proximity to unknown half-siblings, thus complicating relationships and exposing them to the risk of accidental incest.
- **The bill removes screening process protections.** Currently, it is up to the discretion of individual judges to decide whether or not, in cases of surrogacy, parentage can be established on the basis of intent. This gives them the freedom to step in when they feel the situation may not be in the best interest of the child and so deny this parentage. In this case, those paying for the surrogacy must go through a traditional adoption process once the baby is born, with all the best practices and screenings to ensure safety for the child. HB 350 removes this step and automatically allows parentage based on intent without needing a judge to sign off. This removes protections for children and could allow bad actors who would never pass an adoption screening to buy children essentially.
- **Post-conception validation.** Subchapter C Section 9824(b) says that with the agreement of all parties, the court may validate a genetic surrogacy agreement after assisted reproduction has occurred, as long as it is before the birth of the child. Under this bill, a woman could potentially undergo the necessary screenings, become pregnant via IUI, and then “match” with

the highest bidder before validating a contract with them. Note that this is a radical change when currently, a pre-birth order is not allowed because the surrogate cannot terminate her parental rights until 72 hours after the child's birth and traditional surrogates cannot be compensated.

- **Potential for commercial genetic surrogacy using natural conception.** Subchapter C Section 9823(c) allows for the possibility of a surrogacy contract (including a commercial surrogacy contract) to potentially be honored by the courts even if the child was conceived via intercourse instead of ART. *“Unless the genetic surrogacy agreement provides otherwise, if the child was not conceived by assisted reproduction, the genetic surrogate is not entitled to any non expense-related compensation paid for serving as a genetic surrogate.”* This allows a woman to accept money in exchange for a sexual relationship, as long as she becomes pregnant and relinquishes parental rights. In other words, a surrogacy agreement could be considered valid in cases where a woman agrees to conceive the child naturally with the intended father - that is, by having sex with him. By stipulating that “unless the genetic surrogacy agreement provides otherwise,” the bill leaves open the possibility of a surrogate being paid beyond expense-related compensation in this scenario.
- **The bill allows for commercial surrogacy.** No child should ever be exchanged for money. By legalizing commercial surrogacy, this bill would allow children to be treated as products to be commissioned and acquired.
- **The bill allows for commercial *genetic* surrogacy.** In addition to legalizing commercial *gestational* surrogacy, the bill would also allow commercial *genetic* surrogacy. This would mean that women can accept money in exchange for their biological children. Under normal circumstances, this would be punishable as baby-selling. Under this bill, it would be treated as a valid contractual arrangement.



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