

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 350 Session of
2025

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T. DAVIS, WARREN, MADSEN, DALEY, HOWARD, DOUGHERTY, JAMES AND
HANBIDGE, APRIL 7, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 16, 2025

AN ACT

1 Amending Titles 20 (Decedents, Estates and Fiduciaries), 23
2 (Domestic Relations) and 42 (Judiciary and Judicial
3 Procedure) of the Pennsylvania Consolidated Statutes, in
4 intestate succession, further providing for rules of
5 succession; in administration and personal representatives,
6 providing for liability of executor; in proceedings prior to
7 petition to adopt, further providing for rules of succession,
8 for hearing, for alternative procedure for relinquishment and
9 for hearing; in support matters generally, further providing
10 general administration of support matters, repealing
11 provisions relating to paternity and further providing for
12 continuing jurisdiction over support orders; in general
13 provisions relating to children and minors, repealing
14 provisions relating to acknowledgment and claim of paternity;
15 in jurisdiction, further providing for bases for jurisdiction
16 over nonresident; enacting the Uniform Parentage Act;
17 providing for parent-child relationship for certain
18 individuals, for voluntary acknowledgment of parentage, for
19 genetic testing, for proceeding to adjudicate parentage, for
20 assisted reproduction, for surrogacy agreements and for
21 information about donors; and, in organization and
22 jurisdiction of courts of common pleas, further providing for
23 original jurisdiction and venue.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

Section 1. Section 2104(4) of Title 20 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2104. Rules of succession.

The provisions of this chapter shall be applied to both real and personal estate in accordance with the following rules:

* * *

(4) After-born persons; time of determining relationships.--Persons begotten before the decedent's death, including a person conceived by assisted reproduction and established to be a child of the decedent under 23 Pa.C.S. § 9708 (relating to parentage status of deceased individual), 9813 (relating to gestational surrogacy agreement; parentage status of deceased intended parent) or 9825 (relating to genetic surrogacy agreement; parentage status of deceased intended parent), but born thereafter, shall take as if they had been born in his lifetime.

* * *

Section 2. Title 20 is amended by adding a section to read:

§ 3332.1. Liability of executor.

If a decedent's estate is not notified of a transfer of a gamete or embryo as required under 23 Pa.C.S. § 9708(b)(2)(ii) (relating to parentage status of deceased individual), 9813(b)(3) (relating to gestational surrogacy agreement; parentage status of deceased intended parent) or 9825(b)(3) (relating to genetic surrogacy agreement; parentage status of deceased intended parent), and as a result a parent-child relationship between the decedent and the person conceived by assisted reproduction is not established, an executor is not liable to the person for a distribution of the estate of the decedent in reliance on the fact that the relationship was not established.

Section 3. Sections 2503(b) and (d), 2504(c), 2513(b) and 4305(b) (1) of Title 23 are amended to read:

§ 2503. Hearing.

* * *

(b) Notice.--

(1) At least ten days' notice of the hearing shall be given to the petitioner, and a copy of the notice shall be given to the other parent, to the putative father whose parental rights could be terminated pursuant to subsection (d) and to the parents or guardian of a petitioner who has not reached 18 years of age.

(2) The notice to the petitioner shall state the following:

"To: (insert petitioner's name)

A petition has been filed asking the court to put an end to all rights you have to your child (insert name of child). The court has set a hearing to consider ending your rights to your child. That hearing will be held in (insert place, giving reference to exact room and building number or designation) on (insert date) at (insert time). Your presence is required at the hearing. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

(Name)

(Address)

.....

(Telephone number)"

1 (3) The copy of the notice which is given to the
2 putative father shall state that his rights may also be
3 subject to termination pursuant to subsection (d) if he
4 [fails to file either an acknowledgment of paternity or claim
5 of paternity pursuant to section 5103 (relating to
6 acknowledgment and claim of paternity)] has not filed an
7 acknowledgment or indexed claim of parentage pursuant to
8 Chapter 93 (relating to voluntary acknowledgment of
9 parentage) and fails to either appear at the hearing for the
10 purpose of objecting to the termination of his rights or file
11 a written objection to such termination with the court prior
12 to the hearing.

13 * * *

14 (d) Putative father.--If a putative father will not file a
15 petition to voluntarily relinquish his parental rights pursuant
16 to section 2501 (relating to relinquishment to agency) or 2502
17 (relating to relinquishment to adult intending to adopt child),
18 has been given notice of the hearing being held pursuant to this
19 section and fails to either appear at that hearing for the
20 purpose of objecting to termination of his parental rights or
21 file a written objection to such termination with the court
22 prior to the hearing and has not filed an acknowledgment [of
23 paternity or claim of paternity pursuant to section 5103] or
24 indexed claim of parentage pursuant to Chapter 93, the court may
25 enter a decree terminating the parental rights of the putative
26 father pursuant to subsection (c).

27 * * *

28 § 2504. Alternative procedure for relinquishment.

29 * * *

30 (c) Putative father.--If a putative father will not execute

1 a consent to an adoption as required by section 2711, has been
2 given notice of the hearing being held pursuant to this section
3 and fails to either appear at that hearing for the purpose of
4 objecting to termination of his parental rights or file a
5 written objection to such termination with the court prior to
6 the hearing and has not filed an acknowledgment [of paternity or
7 claim of paternity pursuant to section 5103 (relating to
8 acknowledgment and claim of paternity)] or indexed claim of
9 parentage pursuant to Chapter 93 (relating to voluntary
10 acknowledgment of parentage), the court may enter a decree
11 terminating the parental rights of the putative father pursuant
12 to subsection (b).

13 * * *

14 § 2513. Hearing.

15 * * *

16 (b) Notice.--At least ten days' notice shall be given to the
17 parent or parents, putative father, or parent of a minor parent
18 whose rights are to be terminated, by personal service or by
19 registered mail to his or their last known address or by such
20 other means as the court may require. A copy of the notice shall
21 be given in the same manner to the other parent, putative father
22 or parent or guardian of a minor parent whose rights are to be
23 terminated. A putative father shall include one who has filed [a
24 claim of paternity as provided in section 5103 (relating to
25 acknowledgment and claim of paternity)] an acknowledgment or
26 indexed claim of parentage as provided in Chapter 93 (relating
27 to voluntary acknowledgment of parentage) prior to the
28 institution of proceedings. The notice shall state the
29 following:

30 "A petition has been filed asking the court to put an end

to all rights you have to your child (insert name of child).
The court has set a hearing to consider ending your rights to
your child. That hearing will be held in (insert place,
giving reference to exact room and building number or
designation) on (insert date) at (insert time). You are
warned that even if you fail to appear at the scheduled
hearing, the hearing will go on without you and your rights
to your child may be ended by the court without your being
present. You have a right to be represented at the hearing by
a lawyer. You should take this paper to your lawyer at once.
If you do not have a lawyer or cannot afford one, go to or
telephone the office set forth below to find out where you
can get legal help.

(Name).....

(Address).....

.....

(Telephone number)....."

* * *

§ 4305. General administration of support matters.

* * *

(b) Additional powers.--Subject to the supervision and
direction of the court but without the need for prior judicial
order, the domestic relations section shall have the power to
expedite the establishment and enforcement of support to:

(1) Order genetic testing for the purpose of [paternity
establishment pursuant to section 4343 (relating to
paternity).] establishing parentage under section 9607
(relating to adjudicating parentage of child with alleged
genetic parent).

* * *

Section 4. Section 4343 of Title 23 is repealed:

[§ 4343. Paternity.]

(a) Determination.--Where the paternity of a child born out of wedlock is disputed, the determination of paternity shall be made by the court in a civil action without a jury. A putative father may not be prohibited from initiating a civil action to establish paternity. The burden of proof shall be by a preponderance of the evidence. Bills for pregnancy, childbirth, postnatal care related to the pregnancy and genetic testing are admissible as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. If there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence, the court shall upon motion of a party issue a temporary order of support pending the judicial resolution of a dispute regarding paternity. The Supreme Court shall provide by general rule for entry of a default order establishing paternity upon a showing of service of process on the defendant and a subsequent failure to appear for scheduled genetic testing.

(b) Limitation of actions.--

(1) An action or proceeding under this chapter to establish the paternity of a child born out of wedlock must be commenced within 18 years of the date of birth of the child.

(2) As of August 16, 1984, the requirement of paragraph (b)(1) shall also apply to any child for whom paternity has not yet been established and any child for whom a paternity action was brought but dismissed because of a prior statute of limitations of less than 18 years.

1 (c) Genetic tests.--

2 (1) Upon the request of any party to an action to
3 establish paternity, supported by a sworn statement from the
4 party, the court or domestic relations section shall require
5 the child and the parties to submit to genetic tests. The
6 domestic relations section shall obtain an additional genetic
7 test upon the request and advance payment by any party who
8 contests the initial test.

9 (2) Genetic test results indicating a 99% or greater
10 probability that the alleged father is the father of the
11 child shall create a presumption of paternity which may be
12 rebutted only by clear and convincing evidence that the
13 results of the genetic tests are not reliable in that
14 particular case.

15 (3) To ensure the integrity of the specimen and that the
16 proper chain of custody has been maintained, the genetic
17 tests of the biological mother, the child or children in
18 question and the alleged father should be conducted by an
19 established genetic-testing laboratory in the course of its
20 regularly conducted business activity, and certified records
21 should be issued. The certified records shall be admissible
22 into evidence without further foundation, authentication or
23 proof of accuracy if no objection is made within ten days
24 prior to trial. The laboratory must be certified by either
25 the American Association of Blood Banks or the American
26 Association for Histocompatibility and Immunogenetics.

27 (4) If the court or domestic relations section orders
28 genetic testing, the domestic relations section shall pay the
29 cost of the test, subject to recoupment from the alleged
30 father if paternity is established.

1 (5) A determination of paternity made by another state,
2 whether through judicial proceedings, administrative
3 proceedings or by acknowledgment of paternity, shall be given
4 full faith and credit in the courts of this Commonwealth.

5 (6) A determination of nonpaternity made by another
6 state with respect to a public assistance recipient shall not
7 be binding upon the Department of Public Welfare unless the
8 defendant shows that the department had actual notice of the
9 proceedings, including the date and time of any trial, and a
10 fair opportunity to participate in all material proceedings
11 through counsel of its own choice.]

12 Section 5. Section 4352(a) of Title 23 is amended to read:

13 § 4352. Continuing jurisdiction over support orders.

14 (a) General rule.--The court making an order of support
15 shall at all times maintain jurisdiction of the matter for the
16 purpose of enforcement of the order and for the purpose of
17 increasing, decreasing, modifying or rescinding the order unless
18 otherwise provided by Part VIII (relating to uniform interstate
19 family support) [or], VIII-A (relating to intrastate family
20 support) or IX-A (relating to Uniform Parentage Act) without
21 limiting the right of the obligee, or the department if it has
22 an assignment or other interest, to institute additional
23 proceedings for support in any county in which the obligor
24 resides or in which property of the obligor is situated. The
25 Supreme Court shall by general rule establish procedures by
26 which each interested party shall be notified of all proceedings
27 in which support obligations might be established or modified
28 and shall receive a copy of any order issued in a case within 14
29 days after issuance of such order. A petition for modification
30 of a support order may be filed at any time and shall be granted

1 if the requesting party demonstrates a substantial change in
2 circumstances.

3 * * *

4 Section 6. Section 5103 of Title 23 is repealed:

5 [§ 5103. Acknowledgment and claim of paternity.

6 (a) Acknowledgment of paternity.--The father of a child born
7 to an unmarried woman may file with the Department of Public
8 Welfare, on forms prescribed by the department, an
9 acknowledgment of paternity of the child which shall include the
10 consent of the mother of the child, supported by her witnessed
11 statement subject to 18 Pa.C.S. § 4904 (relating to unsworn
12 falsification to authorities). In such case, the father shall
13 have all the rights and duties as to the child which he would
14 have had if he had been married to the mother at the time of the
15 birth of the child, and the child shall have all the rights and
16 duties as to the father which the child would have had if the
17 father had been married to the mother at the time of birth. The
18 hospital or other person accepting an acknowledgment of
19 paternity shall provide written and oral notice, which may be
20 through the use of video or audio equipment, to the birth mother
21 and birth father of the alternatives to, the legal consequences
22 of and the rights and responsibilities that arise from, signing
23 the acknowledgment.

24 (b) Claim of paternity.--If the mother of the child fails or
25 refuses to join in the acknowledgment of paternity provided for
26 in subsection (a), the Department of Public Welfare shall index
27 it as a claim of paternity. The filing and indexing of a claim
28 of paternity shall not confer upon the putative father any
29 rights as to the child except that the putative father shall be
30 entitled to notice of any proceeding brought to terminate any

parental rights as to the child.

(c) Duty of hospital or birthing center.--Upon the birth of a child to an unmarried woman, an agent of the hospital or birthing center where the birth occurred shall:

(1) Provide the newborn's birth parents with an opportunity to complete an acknowledgment of paternity. The completed, signed and witnessed acknowledgment shall be sent to the Department of Public Welfare. A copy shall be given to each of the birth parents. This acknowledgment shall contain:

(i) A signed, witnessed statement subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) by the birth mother consenting to the acknowledgment of paternity.

(ii) A signed, witnessed statement subject to 18 Pa.C.S. § 4904 by the birth father acknowledging his paternity.

(iii) A written explanation of the parental duties and parental rights which arise from signing such a statement.

(iv) The Social Security numbers and addresses of both birth parents.

(2) Provide written information, furnished by the department to the birth mother and birth father, which explains the benefits of having the child's paternity established, the availability of paternity establishment services and the availability of child support enforcement agencies.

(d) Conclusive evidence.--Notwithstanding any other provision of law, an acknowledgment of paternity shall constitute conclusive evidence of paternity without further

1 judicial ratification in any action to establish support. The
2 court shall give full faith and credit to an acknowledgment of
3 paternity signed in another state according to its procedures.

4 (e) Transfer.--The Department of Health shall transfer to
5 the Department of Public Welfare all acknowledgments or claims
6 of paternity filed with the Department of Health under prior
7 statutes.

8 (f) Certifications.--The Department of Public Welfare shall
9 provide necessary certifications under Part III (relating to
10 adoption) as to whether any acknowledgment or claim of paternity
11 has been filed in regard to any child who is a prospective
12 adoptive child.

13 (g) Rescission.--

14 (1) Notwithstanding any other provision of law, a
15 signed, voluntary, witnessed acknowledgment of paternity
16 subject to 18 Pa.C.S. § 4904 shall be considered a legal
17 finding of paternity, subject to the right of any signatory
18 to rescind the acknowledgment within the earlier of the
19 following:

20 (i) sixty days; or

21 (ii) the date of an administrative or judicial
22 proceeding relating to the child, including, but not
23 limited to, a domestic relations section conference or a
24 proceeding to establish a support order in which the
25 signatory is a party.

26 (2) After the expiration of the 60 days, an
27 acknowledgment of paternity may be challenged in court only
28 on the basis of fraud, duress or material mistake of fact,
29 which must be established by the challenger through clear and
30 convincing evidence. An order for support shall not be

1 suspended during the period of challenge except for good
2 cause shown.

3 (h) Penalties for noncompliance.--The department may impose
4 a civil penalty not to exceed \$500 per day upon a hospital or
5 birthing center which is not in compliance with the provisions
6 of this section. A penalty under this subsection is subject to 2
7 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
8 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
9 review of Commonwealth agency action).

10 (i) Status of father.--The name of the father shall be
11 included on the record of birth of the child of unmarried
12 parents only if one of the following applies:

13 (1) The father and mother have signed a voluntary
14 acknowledgment of paternity.

15 (2) A court or administrative agency of competent
16 jurisdiction has issued an adjudication of paternity.]

17 Section 7. Section 7201(a) of Title 23 is amended to read:
18 § 7201. Bases for jurisdiction over nonresident.

19 (a) Jurisdiction.--In a proceeding to establish or enforce a
20 support order or to determine parentage of a child, a tribunal
21 of this State may exercise personal jurisdiction over a
22 nonresident individual or the individual's guardian or
23 conservator if any of the following apply:

24 (1) The individual is personally served with a writ of
25 summons, complaint or other appropriate pleading within this
26 State.

27 (2) The individual submits to the jurisdiction of this
28 State by consent in a record, by entering a general
29 appearance or by filing a responsive document having the
30 effect of waiving any contest to personal jurisdiction.

1 (3) The individual resided with the child in this State.

2 (4) The individual resided in this State and provided
3 prenatal expenses or support for the child.

4 (5) The child resides in this State as a result of the
5 acts or directives of the individual.

6 (6) The individual engaged in sexual intercourse in this
7 State and the child may have been conceived by that act of
8 intercourse.

9 (7) The individual acknowledged parentage of the child
10 [on a form filed with the department under section 5103
11 (relating to acknowledgment and claim of paternity)] under
12 Chapter 93 (relating to voluntary acknowledgment of
13 parentage).

14 (8) There is any other basis consistent with the
15 constitutions of this State and the United States for the
16 exercise of personal jurisdiction.

17 * * *

18 Section 8. Title 23 is amended by adding a part to read:

19 PART IX-A

20 UNIFORM PARENTAGE ACT

21 Chapter

22 91. General Provisions

23 92. Parent-child Relationship

24 93. Voluntary Acknowledgment of Parentage

25 94. (Reserved)

26 95. Genetic Testing

27 96. Proceeding to Adjudicate Parentage

28 97. Assisted Reproduction

29 98. Surrogacy Agreement

30 99. Information about Donor

1 99A. Miscellaneous Provisions

2 CHAPTER 91

3 GENERAL PROVISIONS

4 Sec.

5 9101. Short title of part.

6 9102. Definitions.

7 9103. Scope of part.

8 9104. Applicable law.

9 9105. Data privacy.

10 9106. Construction.

11 § 9101. Short title of part.

12 This part shall be known as the Uniform Parentage Act.

13 § 9102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this part which are applicable to specific
16 provisions of this part, the following words and phrases when
17 used in this part shall have the meanings given to them in this
18 section unless the context clearly indicates otherwise:

19 "Acknowledged parent." An individual who has established a
20 parent-child relationship under Chapter 93 (relating to
21 voluntary acknowledgment of parentage).

22 "Active petition." A petition which has been served and not
23 withdrawn.

24 "Adjudicated parent." An individual who has been adjudicated
25 to be a parent of a child by a court with jurisdiction.

26 "Alleged genetic parent." An individual who is alleged to
27 be, or alleges that the individual is, a genetic parent or
28 possible genetic parent of a child whose parentage has not been
29 adjudicated. The term does not include:

30 (1) a presumed parent;

1 (2) an individual whose parental rights have been
2 terminated or declared not to exist; or

3 (3) a donor.

4 "Assisted reproduction." A method of causing pregnancy other
5 than sexual intercourse. The term includes:

6 (1) intrauterine, intracervical or vaginal insemination;

7 (2) donation of gametes;

8 (3) donation of embryos;

9 (4) in vitro fertilization and transfer of embryos; and

10 (5) intracytoplasmic sperm injection.

11 "Birth." Includes stillbirth.

12 "Child." An individual of any age whose parentage may be
13 determined under this part.

14 "Child-support agency." A government entity, public official
15 or private agency authorized to provide parentage-establishment
16 services under Part D of Title IV of the Social Security Act (49
17 Stat. 620, 42 U.S.C. § 651 et seq.).

18 "Department." The Department of Health of the Commonwealth.

19 "Determination of parentage." Establishment of a parent-
20 child relationship by a judicial or administrative proceeding or
21 otherwise under this part.

22 "Donor." An individual who provides gametes intended for use
23 in assisted reproduction, whether or not for consideration. The
24 term does not include:

25 (1) an individual who gives birth to a child conceived
26 by assisted reproduction, except as otherwise provided in
27 Chapter 98 (relating to surrogacy agreement); or

28 (2) a parent under Chapter 97 (relating to assisted
29 reproduction) or an intended parent under Chapter 98.

30 "Gamete." A sperm or an egg.

1 "Genetic testing." An analysis of genetic markers to
2 identify or exclude a genetic relationship.

3 "Intended parent." An individual, married or unmarried, who
4 manifests an intent to be legally bound as a parent of a child
5 conceived by assisted reproduction.

6 "Minor." An unemancipated individual under 18 years of age.

7 "Parent." An individual who has established a parent-child
8 relationship under section 9201 (relating to establishment of
9 parent-child relationship).

10 "Parentage" or "parent-child relationship." The legal
11 relationship between a child and a parent of the child.

12 "Petition." A pleading which commences an action under this
13 part.

14 "Presumed parent." An individual who, under section 9204
15 (relating to presumption of parentage), is presumed to be a
16 parent of a child, unless the presumption is overcome in a
17 judicial proceeding, a valid denial of parentage is made under
18 Chapter 93 or a court adjudicates the individual to be a parent.

19 "Record." Information that is inscribed on a tangible medium
20 or that is stored in an electronic or other medium and is
21 retrievable in perceivable form.

22 "Sign." With present intent to authenticate or adopt a
23 record:

24 (1) to execute or adopt a tangible symbol; or

25 (2) to attach to or logically associate with the record
26 an electronic symbol, sound or process.

27 "Signatory." An individual who signs a record.

28 "State." A state of the United States, the District of
29 Columbia, Puerto Rico, the United States Virgin Islands or any
30 territory or insular possession under the jurisdiction of the

1 United States. The term includes a federally recognized Indian
2 tribe.

3 "Transfer." A procedure for assisted reproduction by which a
4 gamete or embryo is placed in the body of an individual who will
5 give birth to a child.

6 "Witnessed." The act in which at least one individual who is
7 authorized to sign has signed a record to verify that the
8 individual personally observed a signatory sign the record.

9 § 9103. Scope of part.

10 (a) General rule.--This part applies to an adjudication or
11 determination of parentage.

12 (b) Construction.--This part does not create, affect,
13 enlarge or diminish parental rights or duties under the law of
14 this Commonwealth other than this part.

15 (c) Inconsistency.--Except as otherwise provided in this
16 part, if there is an inconsistency between a provision of this
17 part and another statutory provision, the provision of this part
18 prevails.

19 § 9104. Applicable law.

20 The court shall apply the law of this Commonwealth to
21 adjudicate parentage. The applicable law does not depend on:

22 (1) the place of birth of the child; or

23 (2) the past or present residence of the child.

24 § 9105. Data privacy.

25 A proceeding under this part is subject to the law of this
26 Commonwealth other than this part which governs the health,
27 safety, privacy and liberty of a child or other individual who
28 could be affected by disclosure of information that could
29 identify the child or other individual, including address,
30 telephone number, digital contact information, place of

employment, Social Security number and the child's child-care facility or school.

§ 9106. Construction.

(a) Equal application.--To the extent practicable, a provision of this part applicable to a father-child relationship or a mother-child relationship applies to any parent-child relationship.

(b) Application to State plan.--This part shall be applied in accordance with the Department of Human Services' federally approved State plan for child support.

CHAPTER 92

PARENT-CHILD RELATIONSHIP

Sec.

9201. Establishment of parent-child relationship.

9202. No discrimination.

9203. Consequences of establishing parentage.

9204. Presumption of parentage.

§ 9201. Establishment of parent-child relationship.

A parent-child relationship is established between an individual and a child if:

(1) the individual gives birth to the child, except as otherwise provided in Chapter 98 (relating to surrogacy agreement);

(2) there is a presumption under section 9204 (relating to presumption of parentage) of the individual's parentage of the child, unless the presumption is overcome in a judicial proceeding or a valid denial of parentage is made under Chapter 93 (relating to voluntary acknowledgment of parentage);

(3) the individual is adjudicated a parent of the child

1 under Chapter 96 (relating to proceeding to adjudicate
2 parentage);

3 (4) the individual adopts the child;

4 (5) the individual acknowledges parentage of the child
5 under Chapter 93, unless the acknowledgment is rescinded
6 under section 9308 (relating to procedure for rescission) or
7 successfully challenged under Chapter 93 or 96;

8 (6) the individual's parentage of the child is
9 established under Chapter 97 (relating to assisted
10 reproduction); or

11 (7) the individual's parentage of the child is
12 established under Chapter 98.

13 § 9202. No discrimination.

14 A parent-child relationship extends equally to every child
15 and parent, regardless of the marital status or gender of the
16 parent or the circumstances of the child's birth.

17 § 9203. Consequences of establishing parentage.

18 Unless parental rights are terminated, a parent-child
19 relationship established under this part applies for all
20 purposes.

21 § 9204. Presumption of parentage.

22 (a) General rule.--An individual is presumed to be a parent
23 of a child if:

24 (1) when the child was born:

25 (i) that individual and the individual who gave
26 birth to the child were married to each other, regardless
27 of whether the marriage was valid or could later be
28 declared invalid; and

29 (ii) there is no active petition for divorce,
30 dissolution or annulment; or

1 (2) during the time the child was a minor, it is
2 determined by clear and convincing evidence that the
3 individual openly held out the child as the individual's
4 child and:

5 (i) resided in the same household as the child; or

6 (ii) provided support for the child.

7 (b) Effect of presumption of parentage.--A presumption of
8 parentage under this section may be overcome and competing
9 claims to parentage may be resolved only by an adjudication
10 under Chapter 96 (relating to proceeding to adjudicate
11 parentage) or a valid denial of parentage under Chapter 93
12 (relating to voluntary acknowledgment of parentage).

13 CHAPTER 93

14 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

15 Sec.

16 9301. Acknowledgment of parentage.

17 9302. Execution of acknowledgment of parentage.

18 9303. Denial of parentage.

19 9304. Rules for acknowledgment or denial of parentage.

20 9305. Effect of acknowledgment or denial of parentage.

21 9306. No filing fee.

22 9307. Ratification barred.

23 9308. Procedure for rescission.

24 9309. Challenge after expiration of period for rescission.

25 9310. Procedure for challenge by signatory.

26 9311. Full faith and credit.

27 9312. Forms for acknowledgment and denial of parentage.

28 9313. Release of information.

29 9314. Regulations.

30 § 9301. Acknowledgment of parentage.

1 (a) Who may sign acknowledgment.--Except as provided in
2 subsection (c), the individual who gave birth to a child and any
3 of the following may sign an acknowledgment of parentage to
4 establish the parentage of the child:

5 (1) A presumed parent of the child.

6 (2) An alleged genetic parent of the child.

7 (3) An intended parent of the child under Chapter 97
8 (relating to assisted reproduction).

9 (b) Opportunity to complete and sign acknowledgment.--If a
10 child is born in a hospital, birthing center or other facility,
11 an agent of the facility shall provide the individual who gave
12 birth to the child and any of the other individuals listed in
13 subsection (a) seeking to establish a parent-child relationship
14 with the child with a form acknowledgment of parentage and an
15 opportunity to complete and sign the form and have their
16 signatures attested or witnessed as required under section
17 9302(a)(1) (relating to execution of acknowledgment of
18 parentage).

19 (c) Acknowledgment not signed by individual who gave
20 birth.--If the individual who gave birth to the child refuses to
21 sign an acknowledgment of parentage under this section, the
22 Department of Human Services shall accept for filing the
23 acknowledgment of parentage and index the acknowledgment as a
24 claim of parentage by the other individual seeking to establish
25 the parentage of the child. The filing and indexing shall not
26 confer on the other individual any rights regarding the child
27 except that the other individual is entitled to notice of any
28 proceeding brought to terminate any parental rights to the child
29 provided by other law.

30 (d) Certifications.--The Department of Human Services shall

1 provide necessary certifications under Part III (relating to
2 adoption) as to whether any acknowledgment or claim of parentage
3 has been filed or indexed in regard to a child who is a
4 prospective adoptive child.

5 § 9302. Execution of acknowledgment of parentage.

6 (a) General rule.--An acknowledgment of parentage under
7 section 9301 (relating to acknowledgment of parentage) must:

8 (1) be in a record signed by the individual who gave
9 birth to the child and by the individual seeking to establish
10 parentage, and the signatures must be attested by a notarial
11 officer or witnessed;

12 (2) state that the child whose parentage is being
13 acknowledged:

14 (i) does not have a presumed parent other than the
15 individual seeking to establish parentage of the child or
16 has a presumed parent whose full name is stated; and

17 (ii) does not have another acknowledged parent,
18 adjudicated parent or individual who is a parent of the
19 child under Chapter 97 (relating to assisted
20 reproduction) or 98 (relating to surrogacy agreement)
21 other than the individual who gave birth to the child;
22 and

23 (3) state that the signatories understand that the
24 acknowledgment is the equivalent of an adjudication of
25 parentage of the child and that a challenge to the
26 acknowledgment is permitted only under limited circumstances
27 and is barred two years after the effective date of the
28 acknowledgment.

29 (b) Void acknowledgment of parentage.--An acknowledgment of
30 parentage is void if, at the time of signing:

1 (1) an individual other than the individual seeking to
2 establish parentage is a presumed parent, unless a denial of
3 parentage by the presumed parent in a signed record is filed
4 with the Department of Human Services; or

5 (2) an individual, other than the individual who gave
6 birth to the child or the individual seeking to establish
7 parentage, is an acknowledged or adjudicated parent or a
8 parent under Chapter 97 or 98.

9 § 9303. Denial of parentage.

10 A presumed parent or alleged genetic parent may sign a denial
11 of parentage in a record. The denial of parentage is valid only
12 if:

13 (1) an acknowledgment of parentage by another individual
14 is filed under section 9305 (relating to effect of
15 acknowledgment or denial of parentage);

16 (2) the signatures are attested by a notarial officer or
17 witnessed; and

18 (3) the presumed parent or alleged genetic parent has
19 not previously:

20 (i) completed a valid acknowledgment of parentage,
21 unless the previous acknowledgment was rescinded under
22 section 9308 (relating to procedure for rescission) or
23 challenged successfully under section 9309 (relating to
24 challenge after expiration of period for rescission); or

25 (ii) been adjudicated to be a parent of the child.

26 § 9304. Rules for acknowledgment or denial of parentage.

27 (a) General rule.--An acknowledgment of parentage and a
28 denial of parentage may be contained in a single record or may
29 be in counterparts and may be filed with the Department of Human
30 Services separately or simultaneously. If filing of the

acknowledgment and denial both are required under this part,
neither is effective until both are filed.

(b) Time period for signing.--An acknowledgment of parentage
or denial of parentage may be signed before or after the birth
of the child.

(c) Effective date.--Subject to subsection (a), an
acknowledgment of parentage or denial of parentage takes effect
on the birth of the child or filing of the record with the
Department of Human Services, whichever occurs later.

(d) Validity.--An acknowledgment of parentage or denial of
parentage signed by a minor is valid if the acknowledgment
complies with this part.

§ 9305. Effect of acknowledgment or denial of parentage.

(a) Acknowledgment of parentage.--Except as otherwise
provided in sections 9308 (relating to procedure for rescission)
and 9309 (relating to challenge after expiration of period for
rescission), an acknowledgment of parentage that complies with
this chapter and is filed with the Department of Human Services
is equivalent to an adjudication of parentage of the child and
confers on the acknowledged parent all rights and duties of a
parent.

(b) Denial of parentage.--Except as otherwise provided in
sections 9308 and 9309, a denial of parentage which complies
with this chapter and is filed with the Department of Human
Services with an acknowledgment of parentage that complies with
this chapter is equivalent to an adjudication that the presumed
parent or alleged genetic parent is not a parent and is
discharged from all rights and duties of a parent.

§ 9306. No filing fee.

The Department of Human Services may not charge a fee for

1 filing an acknowledgment of parentage or denial of parentage.

2 § 9307. Ratification barred.

3 A court conducting a judicial proceeding or an administrative
4 agency conducting an administrative proceeding is not required
5 or permitted to ratify an unchallenged acknowledgment of
6 parentage.

7 § 9308. Procedure for rescission.

8 (a) General rule.--A signatory may rescind an acknowledgment
9 of parentage or denial of parentage by filing with the
10 Department of Human Services a rescission in a signed record
11 which is attested by a notarial officer or witnessed. The filing
12 must occur before the earlier of:

13 (1) sixty days after the effective date under section
14 9304 (relating to rules for acknowledgment or denial of
15 parentage) of the acknowledgment or denial; or

16 (2) the date of the first hearing before a court in a
17 proceeding, to which the signatory is a party, to adjudicate
18 an issue relating to the child, including a proceeding that
19 establishes support.

20 (b) Associated denial of parentage.--If an acknowledgment of
21 parentage is rescinded under subsection (a), an associated
22 denial of parentage is invalid, and the Department of Human
23 Services shall notify the individual who gave birth to the child
24 and the individual who signed a denial of parentage of the child
25 that the acknowledgment has been rescinded. Failure to give the
26 notice required by this subsection does not affect the validity
27 of the rescission.

28 § 9309. Challenge after expiration of period for rescission.

29 (a) Signatories.--After the period for rescission under
30 section 9308 (relating to procedure for rescission) expires, but

not later than two years after the effective date under section 9304 (relating to rules for acknowledgment or denial of parentage) of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial, including a challenge brought under section 9614 (relating to precluding establishment of parentage by perpetrator of sexual assault), only on the basis of fraud, duress or material mistake of fact.

(b) Nonsignatories.--A challenge to an acknowledgment of parentage or denial of parentage by an individual who was not a signatory to the acknowledgment or denial is governed by section 9610 (relating to adjudicating parentage of child with acknowledged parent).

§ 9310. Procedure for challenge by signatory.

(a) Parties.--Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.

(b) Personal jurisdiction.--By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this Commonwealth in a proceeding to challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the Department of Human Services.

(c) Suspension of legal responsibilities.--The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

1 (d) Burden of proof.--A party challenging an acknowledgment
2 of parentage or denial of parentage has the burden of proof.

3 (e) Order to amend birth record.--If the court determines
4 that a party has satisfied the burden of proof under subsection
5 (d), the court shall order the department to amend the birth
6 record of the child to reflect the legal parentage of the child.

7 (f) Conduct of proceedings.--A proceeding to challenge an
8 acknowledgment of parentage or denial of parentage must be
9 conducted under Chapter 96 (relating to proceeding to adjudicate
10 parentage).

11 § 9311. Full faith and credit.

12 The court shall give full faith and credit to an
13 acknowledgment of parentage or denial of parentage effective in
14 another state if the acknowledgment or denial is in a signed
15 record and otherwise complies with the law of the other state.

16 § 9312. Forms for acknowledgment and denial of parentage.

17 (a) Duty to prescribe forms.--The Department of Human
18 Services shall prescribe forms for an acknowledgment of
19 parentage, denial of parentage, rescission of acknowledgment and
20 rescission of denial.

21 (b) Effect of later modification.--A valid acknowledgment of
22 parentage or denial of parentage is not affected by a later
23 modification of the form under subsection (a).

24 § 9313. Release of information.

25 The Department of Human Services may release information
26 relating to an acknowledgment of parentage, a denial of
27 parentage or a related rescission to any of the following:

28 (1) A signatory of the acknowledgment of parentage,
29 denial of parentage or related rescission.

30 (2) A court.

1 (3) A child 18 years of age or older who is the subject
2 of the acknowledgment of parentage, denial of parentage or
3 related rescission.

4 (4) A Federal agency or a child-support agency of this
5 or another state.

6 § 9314. Regulations.

7 The Department of Human Services may promulgate regulations
8 as necessary to implement this chapter.

9 CHAPTER 94

10 (Reserved)

11 CHAPTER 95

12 GENETIC TESTING

13 Sec.

14 9501. Definitions.

15 9502. Scope of chapter; limitation on use of genetic testing.

16 9503. Authority to order or deny genetic testing.

17 9504. Requirements for genetic testing.

18 9505. Report of genetic testing.

19 9506. Genetic testing results; challenge to results.

20 9507. Cost of genetic testing.

21 9508. Additional genetic testing.

22 9509. Genetic testing when specimen not available.

23 9510. Deceased individual.

24 9511. Identical siblings.

25 9512. Confidentiality of genetic testing.

26 § 9501. Definitions.

27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Combined relationship index." The product of all tested

1 relationship indices.

2 "Ethnic or racial group." For the purpose of genetic
3 testing, a recognized group or groups that an individual
4 identifies as the individual's ancestry or part of the ancestry
5 or that is identified by other information.

6 "Hypothesized genetic relationship." An asserted genetic
7 relationship between an individual and a child.

8 "Probability of parentage." For the ethnic or racial group
9 to which an individual alleged to be a parent belongs, the
10 probability that a hypothesized genetic relationship is
11 supported, compared to the probability that a genetic
12 relationship is supported between the child and a random
13 individual of the ethnic or racial group used in the
14 hypothesized genetic relationship, expressed as a percentage
15 incorporating the combined relationship index and a prior
16 probability.

17 "Relationship index." A likelihood ratio that compares the
18 probability of a genetic marker given a hypothesized genetic
19 relationship and the probability of the genetic marker given a
20 genetic relationship between the child and a random individual
21 of the ethnic or racial group used in the hypothesized genetic
22 relationship.

23 § 9502. Scope of chapter; limitation on use of genetic testing.

24 (a) General rule.--This chapter governs genetic testing of
25 an individual in a proceeding to adjudicate parentage, whether
26 the individual:

27 (1) voluntarily submits to testing; or

28 (2) is tested under an order of the court or a child-
29 support agency.

30 (b) Prohibited uses.--Genetic testing may not be used:

1 (1) to challenge the parentage status of an individual
2 who is a parent under Chapter 97 (relating to assisted
3 reproduction) or 98 (relating to surrogacy agreement); or
4 (2) to establish the parentage status of an individual
5 who is a donor.

6 § 9503. Authority to order or deny genetic testing.

7 (a) General rule.--Except as otherwise provided in this
8 chapter or Chapter 96 (relating to proceeding to adjudicate
9 parentage), in a proceeding under this part to determine
10 parentage, the court shall order the child and any other
11 individual to submit to genetic testing if a request for testing
12 is supported by the sworn statement of a party:

13 (1) alleging a reasonable possibility that the
14 individual is the child's genetic parent; or

15 (2) denying genetic parentage of the child and stating
16 facts establishing a reasonable possibility that the
17 individual is not a genetic parent.

18 (b) When permitted.--The court or a child-support agency may
19 order genetic testing only if there is no presumed, acknowledged
20 or adjudicated parent of a child other than the individual who
21 gave birth to the child.

22 (c) In utero genetic testing prohibited.--The court or
23 child-support agency may not order in utero genetic testing.

24 (d) Multiple individuals.--If two or more individuals are
25 subject to court-ordered genetic testing, the court may order
26 that testing be completed concurrently or sequentially.

27 (e) Subjects.--Genetic testing of an individual who gave
28 birth to a child is not a condition precedent to testing of the
29 child and another individual whose genetic parentage of the
30 child is being determined. If the individual who gave birth is

1 unavailable or declines to submit to genetic testing, the court
2 may order genetic testing of the child and each other individual
3 whose genetic parentage of the child is being adjudicated.

4 (f) Discretion to deny motion.--In a proceeding to
5 adjudicate the parentage of a child having a presumed parent or
6 an individual who claims to be a parent under section 9609
7 (relating to adjudicating claim of de facto parentage of child),
8 or to challenge an acknowledgment of parentage, the court may
9 deny a motion for genetic testing of the child and any other
10 individual after considering the factors in section 9613(a) and
11 (b) (relating to adjudicating competing claims of parentage).

12 (g) Conditions requiring denial of motion.--If an individual
13 requesting genetic testing is barred under Chapter 96 from
14 establishing the individual's parentage status, the court shall
15 deny the request for genetic testing.

16 (h) Enforcement.--An order under this section for genetic
17 testing is enforceable by contempt.
18 § 9504. Requirements for genetic testing.

19 (a) Types authorized.--Genetic testing must be of a type
20 reasonably relied on by experts in the field of genetic testing
21 and performed in a testing laboratory accredited by:

22 (1) the AABB, formerly known as the American Association
23 of Blood Banks, or a successor to its functions; or

24 (2) an accrediting body designated by the Secretary of
25 the United States Department of Health and Human Services.

26 (b) Specimens.--A specimen used in genetic testing may
27 consist of a sample or a combination of samples of blood, buccal
28 cells, bone, hair or other body tissue or fluid. The specimen
29 used in the testing need not be of the same kind for each
30 individual undergoing genetic testing.

1 (c) Calculation of relationship index.--Based on the ethnic
2 or racial group of an individual undergoing genetic testing, a
3 testing laboratory shall determine the databases from which to
4 select frequencies for use in calculating a relationship index.
5 If an individual or a child-support agency objects to the
6 laboratory's choice, the following rules apply:

7 (1) Not later than 30 days after receipt of the report
8 of the test, the objecting individual or child-support agency
9 may request the court to require the laboratory to
10 recalculate the relationship index using an ethnic or racial
11 group different from that used by the laboratory.

12 (2) The individual or the child-support agency objecting
13 to the laboratory's choice under this subsection shall:

14 (i) if the requested frequencies are not available
15 to the laboratory for the ethnic or racial group
16 requested, provide the requested frequencies compiled in
17 a manner recognized by accrediting bodies; or

18 (ii) engage another laboratory to perform the
19 calculations.

20 (3) The laboratory may use its own statistical estimate
21 if there is a question of which ethnic or racial group is
22 appropriate. The laboratory shall calculate the frequencies
23 using statistics, if available, for any other ethnic or
24 racial group requested.

25 (d) Discretion to require additional genetic testing.--If,
26 after recalculation of the relationship index under subsection
27 (c) using a different ethnic or racial group, genetic testing
28 under section 9506 (relating to genetic testing results;
29 challenge to results) does not identify an individual as a
30 genetic parent of a child, the court may require an individual

1 who has been tested to submit to additional genetic testing to
2 identify a genetic parent.

3 § 9505. Report of genetic testing.

4 (a) Requirements.--A report of genetic testing must be in a
5 record and signed under penalty of perjury by a designee of the
6 testing laboratory. A report complying with the requirements of
7 this chapter is self-authenticating.

8 (b) Admissibility of documentation.--Documentation from a
9 testing laboratory of the following information is sufficient to
10 establish a reliable chain of custody and allow the results of
11 genetic testing to be admissible without testimony:

12 (1) the name and photograph of each individual whose
13 specimen has been taken;

14 (2) the name of the individual who collected each
15 specimen;

16 (3) the place and date each specimen was collected;

17 (4) the name of the individual who received each
18 specimen in the testing laboratory; and

19 (5) the date each specimen was received.

20 § 9506. Genetic testing results; challenge to results.

21 (a) General rule.--Subject to a challenge under subsection
22 (b), an individual is identified under this part as a genetic
23 parent of a child if genetic testing complies with this chapter
24 and the results of the testing disclose:

25 (1) that the individual has at least a 99% probability
26 of parentage, using a prior probability of 0.50, as
27 calculated by using the combined relationship index obtained
28 in the testing; and

29 (2) a combined relationship index of at least 100 to 1.

30 (b) When challenge permitted.--An individual identified

1 under subsection (a) as a genetic parent of the child may
2 challenge the genetic testing results only by other genetic
3 testing satisfying the requirements of this chapter which:

4 (1) excludes the individual as a genetic parent of the
5 child; or

6 (2) identifies another individual as a possible genetic
7 parent of the child other than:

8 (i) the individual who gave birth to the child; or

9 (ii) the individual identified under subsection (a).

10 (c) Discretion to require further genetic testing.--Except
11 as otherwise provided in section 9511 (relating to identical
12 siblings), if more than one individual other than the individual
13 who gave birth is identified by genetic testing as a possible
14 genetic parent of the child, the court shall order each
15 individual to submit to further genetic testing to identify a
16 genetic parent.

17 § 9507. Cost of genetic testing.

18 (a) General rule.--Subject to assessment of fees under
19 Chapter 96 (relating to proceeding to adjudicate parentage),
20 payment of the cost of initial genetic testing must be made:

21 (1) by a child-support agency in a proceeding in which
22 the child-support agency provides services;

23 (2) by the individual who made the request for genetic
24 testing;

25 (3) as agreed by the parties; or

26 (4) as ordered by the court.

27 (b) Reimbursement authorized.--If the cost of genetic
28 testing is paid by the child-support agency, the child-support
29 agency may seek reimbursement from the genetic parent whose
30 parent-child relationship is established.

1 § 9508. Additional genetic testing.

2 The court or child-support agency shall order additional
3 genetic testing on request of an individual who contests the
4 result of the initial testing under section 9506 (relating to
5 genetic testing results; challenge to results). If initial
6 genetic testing under section 9506 identifies an individual as a
7 genetic parent of the child, the court or agency may not order
8 additional testing unless the contesting individual pays for the
9 testing in advance.

10 § 9509. Genetic testing when specimen not available.

11 (a) Individuals subject to.--Subject to subsection (b), if a
12 genetic testing specimen is not available from an alleged
13 genetic parent of a child, an individual seeking genetic testing
14 demonstrates good cause and the court finds that the
15 circumstances are just, the court may order any of the following
16 individuals to submit specimens for genetic testing:

17 (1) a parent of the alleged genetic parent;

18 (2) a sibling of the alleged genetic parent;

19 (3) another child of the alleged genetic parent and the
20 individual who gave birth to the other child; and

21 (4) another relative of the alleged genetic parent
22 necessary to complete genetic testing.

23 (b) Balancing test.--To issue an order under this section,
24 the court must find that a need for genetic testing outweighs
25 the legitimate interests of the individual sought to be tested.

26 § 9510. Deceased individual.

27 If an individual seeking genetic testing demonstrates good
28 cause, the court may order genetic testing of a deceased
29 individual.

30 § 9511. Identical siblings.

1 (a) General rule.--If the court finds there is reason to
2 believe that an alleged genetic parent has an identical sibling
3 and evidence that the sibling may be a genetic parent of the
4 child, the court may order genetic testing of the sibling.

5 (b) Nongenetic evidence.--If more than one sibling is
6 identified under section 9506 (relating to genetic testing
7 results; challenge to results) as a genetic parent of the child,
8 the court may rely on nongenetic evidence to adjudicate which
9 sibling is a genetic parent of the child.

10 § 9512. Confidentiality of genetic testing.

11 (a) General rule.--Release of a report of genetic testing
12 for parentage is controlled by the law of this Commonwealth
13 other than this part.

14 (b) Penalty.--An individual who intentionally releases an
15 identifiable specimen of another individual collected for
16 genetic testing under this chapter for a purpose not relevant to
17 a proceeding regarding parentage, without a court order or
18 written permission of the individual who furnished the specimen,
19 commits a misdemeanor of the third degree.

20 CHAPTER 96

21 PROCEEDING TO ADJUDICATE PARENTAGE

22 Subchapter

23 A. Nature of Proceeding

24 B. Special Rules for Proceeding to Adjudicate Parentage

25 C. Hearing and Adjudication

26 SUBCHAPTER A

27 NATURE OF PROCEEDING

28 Sec.

29 9601. Proceeding authorized.

30 9602. Standing to maintain proceeding.

1 9603. Notice of proceeding.

2 9604. Personal jurisdiction.

3 9605. Venue.

4 § 9601. Proceeding authorized.

5 (a) General rule.--A proceeding may be commenced to
6 adjudicate the parentage of a child. Except as otherwise
7 provided in this part, the proceeding is governed by the
8 Pennsylvania Rules of Civil Procedure.

9 (b) Exception.--A proceeding to adjudicate the parentage of
10 a child born under a surrogacy agreement is governed by this
11 chapter and Chapter 98 (relating to surrogacy agreement).

12 § 9602. Standing to maintain proceeding.

13 Except as otherwise provided in Chapter 93 (relating to
14 voluntary acknowledgment of parentage) and sections 9608
15 (relating to adjudicating parentage of child with presumed
16 parent), 9609 (relating to adjudicating claim of de facto
17 parentage of child), 9610 (relating to adjudicating parentage of
18 child with acknowledged parent) and 9611 (relating to
19 adjudicating parentage of child with adjudicated parent), a
20 proceeding to adjudicate parentage may be maintained by:

21 (1) the child;

22 (2) the individual who gave birth to the child, unless a
23 court has adjudicated that the individual is not a parent;

24 (3) an individual who is a parent under this part;

25 (4) an individual whose parentage of the child is to be
26 adjudicated;

27 (5) a child-support agency;

28 (6) an adoption agency authorized by the law of this
29 Commonwealth other than this part or a licensed child-
30 placement agency; or

1 (7) a representative authorized by the law of this
2 Commonwealth other than this part to act for an individual
3 who otherwise would be entitled to maintain a proceeding but
4 is deceased, incapacitated or a minor.

5 § 9603. Notice of proceeding.

6 (a) Individuals entitled to notice.--The petitioner shall
7 give notice of a proceeding to adjudicate parentage to the
8 following individuals:

9 (1) the individual who gave birth to the child, unless a
10 court has adjudicated that the individual is not a parent;

11 (2) an individual who is a parent of the child under
12 this part;

13 (3) a presumed, acknowledged or adjudicated parent of
14 the child;

15 (4) an individual whose parentage of the child will be
16 adjudicated; and

17 (5) a legal custodian of the child under 42 Pa.C.S. Ch.
18 63 (relating to juvenile matters).

19 (b) Right to intervene.--An individual entitled to notice
20 under subsection (a) has a right to intervene in the proceeding.

21 (c) Effect of lack of notice.--Lack of notice required by
22 subsection (a) does not render a judgment void. Lack of notice
23 does not preclude an individual entitled to notice under
24 subsection (a) from bringing a proceeding under section 9611(b)
25 (relating to adjudicating parentage of child with adjudicated
26 parent).

27 § 9604. Personal jurisdiction.

28 (a) General rule.--The court may adjudicate an individual's
29 parentage of a child only if the court has personal jurisdiction
30 over the individual.

1 (b) Nonresidents, guardians and conservators.--A court of
2 this Commonwealth with jurisdiction to adjudicate parentage may
3 exercise personal jurisdiction over a nonresident individual, or
4 the guardian or conservator of the individual, if the conditions
5 prescribed in section 7201 (relating to bases for jurisdiction
6 over nonresident) are satisfied.

7 (c) Multiple individuals.--Lack of jurisdiction over one
8 individual does not preclude the court from making an
9 adjudication of parentage binding on another individual.

10 § 9605. Venue.

11 Venue for a proceeding to adjudicate parentage shall be in
12 the county where:

13 (1) the assisted reproduction resulting in the child
14 occurred or will occur;

15 (2) the child is or will be born;

16 (3) the child resides or is located;

17 (4) if the child does not reside in this Commonwealth,
18 the respondent resides or is located; or

19 (5) a proceeding has been commenced for administration
20 of the estate of an individual who is or may be a parent
21 under this part.

22 SUBCHAPTER B

23 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

24 Sec.

25 9606. Admissibility of results of genetic testing.

26 9607. Adjudicating parentage of child with alleged genetic
27 parent.

28 9608. Adjudicating parentage of child with presumed parent.

29 9609. Adjudicating claim of de facto parentage of child.

30 9610. Adjudicating parentage of child with acknowledged parent.

1 9611. Adjudicating parentage of child with adjudicated parent.

2 9612. Adjudicating parentage of child of assisted reproduction.

3 9613. Adjudicating competing claims of parentage.

4 9614. Precluding establishment of parentage by perpetrator of
5 sexual assault.

6 § 9606. Admissibility of results of genetic testing.

7 (a) General rule.--Except as otherwise provided in section
8 9502(b) (relating to scope of chapter; limitation on use of
9 genetic testing), the court shall admit a report of genetic
10 testing ordered by the court under section 9503 (relating to
11 authority to order or deny genetic testing) as evidence of the
12 truth of the facts asserted in the report.

13 (b) Objection.--A party may object to the admission of a
14 report described in subsection (a) not later than 14 days after
15 the party receives the report. The party shall cite specific
16 grounds for exclusion.

17 (c) Expert testimony.--A party that objects to the results
18 of genetic testing may call a genetic testing expert to testify
19 in person or by another method approved by the court. Unless the
20 court orders otherwise, the party offering the testimony bears
21 the expense for the expert testifying.

22 (d) Factors not affecting admissibility.--Admissibility of a
23 report of genetic testing is not affected by whether the testing
24 was performed:

25 (1) voluntarily or under an order of the court or a
26 child-support agency; or

27 (2) before, on or after commencement of the proceeding.

28 § 9607. Adjudicating parentage of child with alleged genetic
29 parent.

30 (a) General rule.--A proceeding to determine whether an

1 alleged genetic parent who is not a presumed parent is a parent
2 of a child may be commenced:

3 (1) before the child becomes an adult; or

4 (2) after the child becomes an adult, but only if the
5 child initiates the proceeding.

6 (b) Sole claimant.--Except as otherwise provided in section
7 9614 (relating to precluding establishment of parentage by
8 perpetrator of sexual assault), this subsection applies in a
9 proceeding described in subsection (a) if the individual who
10 gave birth to the child is the only other individual with a
11 claim to parentage of the child. The court shall adjudicate an
12 alleged genetic parent to be a parent of the child if the
13 alleged genetic parent:

14 (1) is identified under section 9506 (relating to
15 genetic testing results; challenge to results) as a genetic
16 parent of the child and the identification is not
17 successfully challenged under section 9506;

18 (2) admits parentage in a pleading, when making an
19 appearance or during a hearing, the court accepts the
20 admission, and the court determines the alleged genetic
21 parent to be a parent of the child;

22 (3) declines to submit to genetic testing ordered by the
23 court or a child-support agency, in which case the court may
24 adjudicate the alleged genetic parent to be a parent of the
25 child even if the alleged genetic parent denies a genetic
26 relationship with the child;

27 (4) is in default after service of process and the court
28 determines the alleged genetic parent to be a parent of the
29 child; or

30 (5) is neither identified nor excluded as a genetic

1 parent by genetic testing and, based on other evidence, the
2 court determines the alleged genetic parent to be a parent of
3 the child.

4 (c) Multiple individuals with claims.--Except as otherwise
5 provided in section 9614 and subject to other limitations in
6 this chapter, if in a proceeding involving an alleged genetic
7 parent at least one other individual in addition to the
8 individual who gave birth to the child has a claim to parentage
9 of the child, the court shall adjudicate parentage under section
10 9613 (relating to adjudicating competing claims of parentage).

11 § 9608. Adjudicating parentage of child with presumed parent.

12 (a) Time period for commencing.--A proceeding to determine
13 whether a presumed parent is a parent of a child may be
14 commenced:

15 (1) before the child becomes an adult; or

16 (2) after the child becomes an adult, but only if the
17 child initiates the proceeding.

18 (b) Effect of presumption of parentage.--A presumption of
19 parentage under section 9204 (relating to presumption of
20 parentage) cannot be overcome after the child attains two years
21 of age unless the court determines:

22 (1) that the presumed parent is not a genetic parent,
23 never resided with the child and never held out the child as
24 the presumed parent's child; or

25 (2) the child has more than one presumed parent.

26 (c) Sole claimant.--Except as otherwise provided in section
27 9614 (relating to precluding establishment of parentage by
28 perpetrator of sexual assault), the following rules apply in a
29 proceeding to adjudicate a presumed parent's parentage of a
30 child if the individual who gave birth to the child is the only

1 other individual with a claim to parentage of the child:

2 (1) If no party to the proceeding challenges the
3 presumed parent's parentage of the child, the court shall
4 adjudicate the presumed parent to be a parent of the child.

5 (2) If the presumed parent is identified under section
6 9506 (relating to genetic testing results; challenge to
7 results) as a genetic parent of the child and that
8 identification is not successfully challenged under section
9 9506, the court shall adjudicate the presumed parent to be a
10 parent of the child.

11 (3) If the presumed parent is not identified under
12 section 9506 as a genetic parent of the child and the
13 presumed parent or the individual who gave birth to the child
14 challenges the presumed parent's parentage of the child, the
15 court shall adjudicate the parentage of the child in the best
16 interest of the child based on the factors under section
17 9613(a) and (b) (relating to adjudicating competing claims of
18 parentage).

19 (d) Multiple individuals with claims.--Except as otherwise
20 provided in section 9614 and subject to other limitations in
21 this chapter, if in a proceeding to adjudicate a presumed
22 parent's parentage of a child another individual in addition to
23 the individual who gave birth to the child asserts a claim to
24 parentage of the child, the court shall adjudicate parentage
25 under section 9613.

26 § 9609. Adjudicating claim of de facto parentage of child.

27 (a) Individuals entitled to commence proceeding.--A
28 proceeding to establish parentage of a child under this section
29 may be commenced only by an individual who:

30 (1) is alive when the proceeding is commenced; and

1 (2) claims to be a de facto parent of the child.

2 (b) Time period for commencing.--An individual who claims to
3 be a de facto parent of a child must commence a proceeding to
4 establish parentage of a child under this section:

5 (1) before the child attains 18 years of age; and

6 (2) while the child is alive.

7 (c) Standing.--The following rules govern standing of an
8 individual who claims to be a de facto parent of a child to
9 maintain a proceeding under this section:

10 (1) The individual must file an initial verified
11 pleading alleging specific facts that support the claim to
12 parentage of the child asserted under this section. The
13 verified pleading must be served on all parents and legal
14 guardians of the child and any other party to the proceeding.

15 (2) An adverse party, parent or legal guardian may file
16 a pleading in response to the pleading filed under paragraph
17 (1). A responsive pleading must be verified and must be
18 served on all persons served with the pleading filed under
19 paragraph (1).

20 (3) Unless the court finds a hearing is necessary to
21 determine the sufficiency of the pleadings or to determine
22 the disputed facts material to the issue of standing, the
23 court shall determine, based on the pleadings under
24 paragraphs (1) and (2), whether the individual has alleged
25 facts sufficient to satisfy by a preponderance of the
26 evidence the requirements of subsection (d). If the court
27 holds a hearing under this subsection, the hearing must be
28 held on an expedited basis.

29 (d) Individual with sole claim.--In a proceeding to
30 adjudicate parentage of an individual who claims to be a de

facto parent of the child, if there is only one other individual who is a parent or has a claim to parentage of the child, the court shall adjudicate the individual who claims to be a de facto parent to be a parent of the child if the individual demonstrates by clear and convincing evidence that:

(1) the individual resided with the child as a regular member of the child's household for a significant period;

(2) the individual engaged in consistent caretaking of the child;

(3) the individual undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation other than public assistance;

(4) the individual held out the child as the individual's child;

(5) the individual established a bonded and dependent relationship with the child which is parental in nature;

(6) another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (5); and

(7) continuing the relationship between the individual and the child is in the best interest of the child.

(e) Multiple individuals with claims.--Subject to other limitations in this chapter, if in a proceeding to adjudicate parentage of an individual who claims to be a de facto parent of the child there is more than one other individual who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection (d) are satisfied, the court shall adjudicate parentage under section 9613 (relating to adjudicating competing claims of parentage).

(f) In loco parentis status.--Failure to seek to establish

1 parentage under this section does not affect an individual's
2 ability to seek in loco parentis status under law of this
3 Commonwealth other than this part.

4 § 9610. Adjudicating parentage of child with acknowledged
5 parent.

6 (a) General rule.--If a child has an acknowledged parent, a
7 proceeding to challenge the acknowledgment of parentage or a
8 denial of parentage brought by a signatory to the acknowledgment
9 or denial is governed by sections 9309 (relating to challenge
10 after expiration of period for rescission) and 9310 (relating to
11 procedure for challenge by signatory).

12 (b) Procedure.--If a child has an acknowledged parent, the
13 following rules apply in a proceeding to challenge the
14 acknowledgment of parentage or a denial of parentage brought by
15 an individual, other than the child, who has standing under
16 section 9602 (relating to standing to maintain proceeding) and
17 was not a signatory to the acknowledgment or denial:

18 (1) The individual must commence the proceeding not
19 later than two years after the effective date of the
20 acknowledgment.

21 (2) The court may permit the proceeding only if the
22 court finds that permitting the proceeding is in the best
23 interest of the child.

24 (3) If the court permits the proceeding, the court shall
25 adjudicate parentage under section 9613 (relating to
26 adjudicating competing claims of parentage).

27 § 9611. Adjudicating parentage of child with adjudicated
28 parent.

29 (a) General rule.--If a child has an adjudicated parent, a
30 proceeding to challenge the adjudication, brought by an

individual who was a party to the adjudication or received notice under section 9603 (relating to notice of proceeding), is governed by the rules governing a collateral attack on a judgment.

(b) Procedure.--If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by an individual other than the child who has standing under section 9602 (relating to standing to maintain proceeding) and was not a party to the adjudication and did not receive notice under section 9603:

(1) The individual must commence the proceeding not later than two years after the effective date of the adjudication.

(2) The court may permit the proceeding only if the court finds that permitting the proceeding is in the best interest of the child.

(3) If the court permits the proceeding, the court shall adjudicate parentage under section 9613 (relating to adjudicating competing claims of parentage).

§ 9612. Adjudicating parentage of child of assisted reproduction.

(a) General rule.--An individual who is a parent under Chapter 97 (relating to assisted reproduction) or the individual who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines that the individual is a parent under Chapter 97, the court shall adjudicate the individual to be a parent of the child.

(b) Multiple individuals with claims.--In a proceeding to adjudicate an individual's parentage of a child, if another individual other than the individual who gave birth to the child

1 is a parent under Chapter 97, the court shall adjudicate the
2 individual's parentage of the child under section 9613 (relating
3 to adjudicating competing claims of parentage).

4 § 9613. Adjudicating competing claims of parentage.

5 (a) General rule.--Except as otherwise provided in section
6 9614 (relating to precluding establishment of parentage by
7 perpetrator of sexual assault), in a proceeding to adjudicate
8 competing claims of, or challenges under sections 9608(c)
9 (relating to adjudicating parentage of child with presumed
10 parent), 9610 (relating to adjudicating parentage of child with
11 acknowledged parent) or 9611 (relating to adjudicating parentage
12 of child with adjudicated parent) to, parentage of a child by
13 two or more individuals, the court shall adjudicate parentage in
14 the best interest of the child, based on:

15 (1) the age of the child;

16 (2) the length of time during which each individual
17 assumed the role of parent of the child;

18 (3) the nature of the relationship between the child and
19 each individual;

20 (4) the harm to the child if the relationship between
21 the child and each individual is not recognized;

22 (5) the basis for each individual's claim to parentage
23 of the child; and

24 (6) other equitable factors arising from the disruption
25 of the relationship between the child and each individual or
26 the likelihood of other harm to the child.

27 (b) Factors to be considered.--If an individual challenges
28 parentage based on the results of genetic testing, in addition
29 to the factors listed in subsection (a), the court shall
30 consider:

1 (1) the facts surrounding the discovery that the
2 individual might not be a genetic parent of the child; and
3 (2) the length of time between the time that the
4 individual was placed on notice that the individual might not
5 be a genetic parent and the commencement of the proceeding.
6 § 9614. Precluding establishment of parentage by perpetrator of
7 sexual assault.

8 (a) (Reserved).

9 (b) Sexual assault.--Except as provided in subsection (c),
10 in a proceeding in which an individual alleges that the
11 individual's pregnancy or the birth resulting from that
12 pregnancy is the result of a sexual assault, the individual may
13 seek to preclude the alleged perpetrator of the sexual assault
14 from establishing parentage of the child.

15 (c) Nonapplicability.--This section does not apply if:

16 (1) the alleged perpetrator under subsection (b) has
17 previously been adjudicated to be a parent of the child; or

18 (2) after the birth of the child, the alleged
19 perpetrator under subsection (b) established a bonded and
20 dependent relationship with the child which is parental in
21 nature.

22 (d) Limitation.--Unless section 9309 (relating to challenge
23 after expiration of period for rescission) or 9607 (relating to
24 adjudicating parentage of child with alleged genetic parent)
25 applies, a petition making an allegation under subsection (b)
26 must be filed not later than two years after the birth of the
27 child. The petition must be filed only in a proceeding to
28 establish parentage under this part.

29 (e) Evidentiary standard.--An allegation under subsection
30 (b) may be proved by:

1 (1) evidence that the alleged perpetrator under
2 subsection (b) was convicted of a sexual assault, or a
3 comparable crime in another jurisdiction, against the
4 individual who gave birth to the child and the child was born
5 not later than 300 days after the sexual assault; or

6 (2) clear and convincing evidence that the alleged
7 perpetrator under subsection (b) committed sexual assault, or
8 a comparable crime in another jurisdiction, against the
9 individual who gave birth to the child and the child was born
10 not later than 300 days after the sexual assault.

11 (f) Duty of court.--If the court determines that an
12 allegation has been proven under subsection (e), the court
13 shall:

14 (1) adjudicate that the alleged perpetrator under
15 subsection (b) is not a parent of the child;

16 (2) require the department to amend the birth
17 certificate if requested by the individual who gave birth to
18 the child and the court determines that the amendment is in
19 the best interest of the child; and

20 (3) require the perpetrator under subsection (b) to pay
21 child support, birth-related costs or both, unless the
22 individual who gave birth to the child requests otherwise and
23 the court determines that granting the request is in the best
24 interest of the child.

25 (g) Definition.--As used in this section, the term "sexual
26 assault" means the offense under 18 Pa.C.S. § 3124.1 (relating
27 to sexual assault).

28 SUBCHAPTER C

29 HEARING AND ADJUDICATION

30 Sec.

1 9615. Temporary order.
2 9616. Combining proceedings.
3 9617. Proceeding before birth.
4 9618. Child as party; representation.
5 9619. Court to adjudicate parentage.
6 9620. Hearing; inspection of records.
7 9621. Dismissal for want of prosecution.
8 9622. Order adjudicating parentage.
9 9623. Binding effect of determination of parentage.

10 § 9615. Temporary order.

11 (a) General rule.--In a proceeding under this chapter, the
12 court may issue a temporary order for child support if the order
13 is consistent with the law of this Commonwealth other than this
14 part and the individual ordered to pay support is:

15 (1) a presumed parent of the child;

16 (2) petitioning to be adjudicated a parent;

17 (3) identified as a genetic parent through genetic
18 testing under section 9506 (relating to genetic testing
19 results; challenge to results);

20 (4) an alleged genetic parent who has declined to submit
21 to genetic testing;

22 (5) shown by clear and convincing evidence to be a
23 parent of the child; or

24 (6) an acknowledged parent, an intended parent or any
25 other parent under this part.

26 (b) Custody and visitation provisions.--A temporary order
27 may include a provision for custody and visitation under the law
28 of this Commonwealth other than this part.

29 § 9616. Combining proceedings.

30 (a) General rule.--Except as otherwise provided in

1 subsection (b), the court may combine a proceeding to adjudicate
2 parentage under this part with a proceeding for adoption,
3 termination of parental rights, child custody or visitation,
4 child support, divorce, dissolution or annulment, administration
5 of an estate or another appropriate proceeding.

6 (b) Prohibition.--A respondent may not combine a proceeding
7 described in subsection (a) with a proceeding to adjudicate
8 parentage brought under Part VIII (relating to uniform
9 interstate family support).

10 § 9617. Proceeding before birth.

11 Except as otherwise provided in Chapter 98 (relating to
12 surrogacy agreement), a proceeding to adjudicate parentage may
13 be commenced before the birth of the child and an order or
14 judgment may be entered before birth, but enforcement of the
15 order or judgment must be stayed until the birth of the child.

16 § 9618. Child as party; representation.

17 (a) Minor child as party.--A minor child is a proper party
18 but not a necessary party to a proceeding under this chapter.

19 (b) Representation of child.--The court shall appoint an
20 attorney or guardian ad litem to represent a child in a
21 proceeding under this chapter if the court finds that the
22 interests of the child are not adequately represented.

23 § 9619. Court to adjudicate parentage.

24 The court shall adjudicate parentage of a child without a
25 jury.

26 § 9620. Hearing; inspection of records.

27 (a) Closure of proceeding.--On request of a party and for
28 good cause, the court may close a proceeding under this chapter
29 to the public.

30 (b) Final order and other documents.--A final order in a

proceeding under this chapter is available for public
inspection. Other papers and records are available for public
inspection only with the consent of the parties or by court
order.

§ 9621. Dismissal for want of prosecution.

The court may dismiss a proceeding under this part for want
of prosecution only without prejudice. An order of dismissal for
want of prosecution purportedly with prejudice is void and has
only the effect of a dismissal without prejudice.

§ 9622. Order adjudicating parentage.

(a) Identification of child.--An order adjudicating
parentage must identify the child in a manner provided by the
law of this Commonwealth other than this part.

(b) Fees, costs and expenses.--Except as otherwise provided
in subsection (c), the court may assess filing fees, reasonable
attorney fees, fees for genetic testing, other costs and
necessary travel and other reasonable expenses incurred in a
proceeding under this chapter. Attorney fees awarded under this
subsection may be paid directly to the attorney and the attorney
may enforce the order in the attorney's own name.

(c) Child-support agency.--The court may not assess fees,
costs or expenses in a proceeding under this chapter against a
child-support agency of this Commonwealth or another state,
except as provided by the law of this Commonwealth other than
this part.

(d) Admissibility of genetic testing and health care
bills.--In a proceeding under this chapter, a copy of a bill for
genetic testing or prenatal or postnatal health care for the
individual who gave birth to the child and the child provided to
the adverse party not later than 10 days before a hearing is

1 admissible to establish:

2 (1) the amount of the charge billed; and

3 (2) that the charge is reasonable and necessary.

4 (e) Child name changes.--On request of a party and for good

5 cause, the court in a proceeding under this chapter may order

6 the name of the child changed. If the court order changing the

7 name varies from the name on the birth certificate of the child,

8 the court shall order the department to issue an amended birth

9 certificate.

10 § 9623. Binding effect of determination of parentage.

11 (a) General rule.--Except as otherwise provided in

12 subsection (b):

13 (1) a signatory to an acknowledgment of parentage or

14 denial of parentage is bound by the acknowledgment and denial

15 as provided in Chapter 93 (relating to voluntary

16 acknowledgment of parentage); and

17 (2) a party to an adjudication of parentage by a court

18 acting under circumstances that satisfy the jurisdiction

19 requirements of section 7201 (relating to bases for

20 jurisdiction over nonresident) and any individual who

21 received notice of the proceeding are bound by the

22 adjudication.

23 (b) Children.--A child is not bound by a determination of

24 parentage under this part unless:

25 (1) the determination of parentage was based on an

26 unrescinded acknowledgment of parentage and the

27 acknowledgment is consistent with the results of genetic

28 testing;

29 (2) the determination of parentage was based on a

30 finding consistent with the results of genetic testing and

1 the consistency is declared in the determination or otherwise
2 shown;

3 (3) the determination of parentage was made under
4 Chapter 97 (relating to assisted reproduction) or 98
5 (relating to surrogacy agreement); or

6 (4) the child was a party or was represented by an
7 attorney or guardian ad litem in the proceeding.

8 (c) Other proceedings.--In a proceeding for divorce,
9 dissolution or annulment, the court is deemed to have made an
10 adjudication of parentage of a child if the court acts under
11 circumstances that satisfy the jurisdiction requirements of
12 section 7201 and the final order:

13 (1) expressly identifies the child as a "child of the
14 marriage" or "issue of the marriage" or includes similar
15 words indicating that both spouses are parents of the child;
16 or

17 (2) provides for support of the child by a spouse unless
18 that spouse's parentage of the child is disclaimed
19 specifically in the order.

20 (d) Defense available to nonparties.--Except as otherwise
21 provided in subsection (b) or section 9611 (relating to
22 adjudicating parentage of child with adjudicated parent), a
23 determination of parentage may be asserted as a defense in a
24 subsequent proceeding seeking to adjudicate parentage status of
25 an individual who was not a party to the earlier proceeding.

26 (e) Challenges to adjudication by parties.--A party to an
27 adjudication of parentage may challenge the adjudication only
28 under the law of this Commonwealth other than this part relating
29 to appeal, vacation of judgment or other judicial review.

30 CHAPTER 97

1 ASSISTED REPRODUCTION

2 Sec.

3 9701. Scope of chapter.

4 9702. Parental status of donor.

5 9703. Parentage of child of assisted reproduction.

6 9704. Consent to assisted reproduction.

7 9705. Limitation on spouse's dispute of parentage.

8 9706. Effect of certain legal proceedings regarding marriage.

9 9707. Withdrawal of consent.

10 9708. Parentage status of deceased individual.

11 9709. Order or judgment of parentage.

12 § 9701. Scope of chapter.

13 This chapter does not apply to the birth of a child conceived
14 by sexual intercourse or assisted reproduction under a surrogacy
15 agreement under Chapter 98 (relating to surrogacy agreement).

16 § 9702. Parental status of donor.

17 A donor is not a parent of a child conceived by assisted
18 reproduction.

19 § 9703. Parentage of child of assisted reproduction.

20 An individual who consents under section 9704 (relating to
21 consent to assisted reproduction) to assisted reproduction with
22 another individual who agrees to give birth to a child conceived
23 by the assisted reproduction with the intent to be a parent of
24 the child is a parent of the child.

25 § 9704. Consent to assisted reproduction.

26 (a) Proof.--Except as provided in subsection (b), consent
27 under section 9703 (relating to parentage of child of assisted
28 reproduction) must be established:

29 (1) in a record signed before, on or after the birth of
30 the child by the individual giving birth to the child and by

1 another individual who intends to be a parent of the child;

2 or

3 (2) by both individuals agreeing, before conception or
4 birth of the child, that they would be parents of the child.

5 (b) Exception.--In the absence of evidence under subsection
6 (a), consent may be established if the court finds that the
7 individual who did not give birth to the child resided with the
8 child after birth and assumed the role of a parent of the child.

9 § 9705. Limitation on spouse's dispute of parentage.

10 (a) General rule.--Except as otherwise provided in
11 subsection (b), if an individual who gives birth to a child by
12 assisted reproduction has a spouse at the time of a child's
13 birth, the spouse may not challenge the spouse's parentage of
14 the child unless:

15 (1) not later than two years after the birth of the
16 child, the spouse commences a proceeding to adjudicate the
17 spouse's parentage of the child; and

18 (2) the court finds the spouse did not consent to the
19 assisted reproduction before, on or after birth of the child
20 or withdrew consent under section 9707 (relating to
21 withdrawal of consent).

22 (b) Time period to commence proceeding.--A proceeding to
23 adjudicate a spouse's parentage of a child born by assisted
24 reproduction may be commenced at any time if the court
25 determines:

26 (1) the spouse neither provided a gamete for, nor
27 consented to, the assisted reproduction;

28 (2) the spouse and the individual who gave birth to the
29 child have not cohabited since the probable time of assisted
30 reproduction; and

1 (3) the spouse never openly held out the child as the
2 spouse's child.

3 (c) Applicability.--This section applies to a spouse's
4 dispute of parentage even if the spouse's marriage is declared
5 invalid after assisted reproduction occurs.

6 § 9706. Effect of certain legal proceedings regarding marriage.

7 (a) Former spouse.--If a marriage of an individual who gives
8 birth to a child conceived by assisted reproduction is
9 terminated through divorce or dissolution, or annulled before
10 transfer of gametes or embryos to the individual, a former
11 spouse of the individual is not a parent of the child unless the
12 former spouse consented in a record that the former spouse would
13 be a parent of the child if assisted reproduction were to occur
14 after a divorce, dissolution or annulment and the former spouse
15 did not withdraw consent under section 9707 (relating to
16 withdrawal of consent).

17 (b) After commencement of proceeding.--

18 (1) Except as provided in paragraph (2), a current
19 spouse of an individual who gives birth to a child conceived
20 by assisted reproduction is not a parent of the child if,
21 prior to the transfer of gametes, there is an active petition
22 commencing an action for divorce, dissolution or annulment.

23 (2) Paragraph (1) does not apply if, during the pendency
24 of an action under paragraph (1), both parties consent in a
25 record to be parents of the child.

26 (3) A married individual proceeding with assisted
27 reproduction under this subsection may not use gametes of the
28 individual's spouse unless both parties, during the pendency
29 of the action under paragraph (1), consent in a record to the
30 use of the spouse's gametes for assisted reproduction by the

1 married individual.

2 § 9707. Withdrawal of consent.

3 (a) General rule.--An individual who consents under section
4 9704 (relating to consent to assisted reproduction) to assisted
5 reproduction may withdraw consent any time before a transfer
6 that results in a pregnancy by giving notice in a record of the
7 withdrawal of consent to the individual who agreed to give birth
8 to a child conceived by assisted reproduction and to any clinic
9 or health care provider facilitating the assisted reproduction.
10 Failure to give notice to the clinic or health care provider
11 does not affect a determination of parentage under this part.

12 (b) Effect of withdrawal.--An individual who withdraws
13 consent under subsection (a) is not a parent of the child under
14 this chapter.

15 § 9708. Parentage status of deceased individual.

16 (a) Death after gamete or embryo transfer.--If an individual
17 who intends to be a parent of a child conceived by assisted
18 reproduction dies during the period between the transfer of a
19 gamete or embryo and the birth of the child, the individual's
20 death does not preclude the establishment of the individual's
21 parentage of the child if the individual otherwise would be a
22 parent of the child under this part.

23 (b) Death before gamete or embryo transfer.--If an
24 individual who consented in a record to assisted reproduction by
25 an individual who agreed to give birth to a child dies before a
26 transfer of gametes or embryos, the deceased individual is not a
27 parent of a child conceived by the assisted reproduction unless
28 all of the following paragraphs apply:

29 (1) one of the following applies:

30 (i) the individual consented in a record that if

1 assisted reproduction were to occur after the death of
2 the individual, the individual would be a parent of the
3 child; or

4 (ii) the individual's intent to be a parent of a
5 child conceived by assisted reproduction after the
6 individual's death is established by clear and convincing
7 evidence; and

8 (2) both of the following apply:

9 (i) the transfer of the gamete or embryo occurs not
10 later than 36 months after the individual's death or the
11 birth of the child occurs not later than 45 months after
12 the individual's death; and

13 (ii) the estate of the deceased individual is
14 notified not later than six months after the individual's
15 death that the transfer may occur.

16 § 9709. Order or judgment of parentage.

17 (a) Permissible relief.--The individual who consents under
18 section 9704 (relating to consent to assisted reproduction) to
19 assisted reproduction or the individual who agrees to give birth
20 to a child conceived by the assisted reproduction may commence a
21 proceeding in court for an order or judgment under this section.

22 (b) Issuance of order or judgment.--If the individual
23 commencing the action establishes by a preponderance of the
24 evidence that one of the elements described in section 9704
25 exists, the court shall issue an order or judgment:

26 (1) declaring that the individual, or the individual
27 commencing the action and the other individual, is the
28 intended parent, or intended parents, of the child
29 immediately upon the birth of the child;

30 (2) ordering that parental rights and duties vest

immediately on the birth of the child exclusively in each
intended parent; and

(3) designating the content of the birth record in
accordance with law and directing the department to designate
each intended parent as a parent of the child.

(c) Order or judgment before birth.--The court may issue an
order or judgment under this section before the birth of the
child. The court shall stay enforcement of the order or judgment
until the birth of the child.

(d) Limitation on necessary parties.--Neither the
Commonwealth, the department nor the hospital, birthing center
or other facility where the child is or is expected to be born
is a necessary party to a proceeding under this section.

CHAPTER 98

SURROGACY AGREEMENT

Subchapter

A. General Requirements

B. Special Rules for Gestational Surrogacy Agreement

C. Special Rules for Genetic Surrogacy Agreement

SUBCHAPTER A

GENERAL REQUIREMENTS

Sec.

9801. Definitions.

9802. Eligibility to enter into surrogacy agreement.

9803. Requirements of surrogacy agreement: process.

9804. Requirements of surrogacy agreements: content.

9805. Surrogacy agreement: effect of subsequent change of marital status.

9806. Inspection of documents and records.

9807. Exclusive, continuing jurisdiction.

1 § 9801. Definitions.

2 The following words and phrases when used in this chapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Genetic surrogate." An individual who is not an intended
6 parent and who agrees to become pregnant through assisted
7 reproduction using the individual's own gamete, under a genetic
8 surrogacy agreement as provided in this chapter.

9 "Gestational surrogate." An individual who is not an
10 intended parent and who agrees to become pregnant through
11 assisted reproduction using gametes that are not her own, under
12 a gestational surrogacy agreement as provided in this chapter.

13 "Surrogacy agreement." An agreement between one or more
14 intended parents and an individual who is not an intended parent
15 and the individual's spouse, in which the individual agrees to
16 become pregnant through assisted reproduction and which provides
17 that each intended parent is a parent of a child conceived under
18 the agreement. Unless otherwise specified, the term refers to
19 both a gestational surrogacy agreement and a genetic surrogacy
20 agreement.

21 "Surrogate." A genetic surrogate or a gestational surrogate.

22 § 9802. Eligibility to enter into surrogacy agreement.

23 (a) Requirements for surrogates.--To execute a surrogacy
24 agreement, an individual who desires to be a surrogate must:

- 25 (1) have attained 21 years of age;
26 (2) previously have given birth to at least one child;
27 (3) complete a medical evaluation related to the
28 surrogacy arrangement by a licensed medical doctor;
29 (4) complete a mental health consultation by a licensed
30 mental health professional; and

1 (5) have independent legal representation by an
2 attorney, licensed to practice law in this Commonwealth, of
3 the individual's choice throughout the negotiation process
4 and the execution and duration of the surrogacy agreement
5 regarding the terms of the surrogacy agreement and the
6 potential legal consequences of the agreement.

7 (b) Requirements for intended parents.--To execute a
8 surrogacy agreement, each intended parent, whether or not
9 genetically related to the child, must:

- 10 (1) have attained 21 years of age;
11 (2) complete a mental health consultation by a licensed
12 mental health professional; and
13 (3) have independent legal representation by an
14 attorney, licensed to practice law in this Commonwealth, of
15 the intended parent's choice, throughout the negotiation,
16 execution and duration of the surrogacy agreement, regarding
17 the terms of the surrogacy agreement and the potential legal
18 consequences of the agreement.

19 § 9803. Requirements of surrogacy agreement: process.

20 A surrogacy agreement must be executed in compliance with the
21 following rules:

22 (1) At least one party must be a resident of this
23 Commonwealth or, if no party is a resident of this
24 Commonwealth:

25 (i) the birth will, or is anticipated to, occur in
26 this Commonwealth; or

27 (ii) the assisted reproduction to be performed under
28 the surrogacy agreement will, or is anticipated to, occur
29 in this Commonwealth.

30 (2) A surrogate and each intended parent must meet the

1 requirements of section 9802 (relating to eligibility to
2 enter into surrogacy agreement).

3 (3) Each intended parent and the surrogate must be
4 parties to the surrogacy agreement. If the surrogate is
5 married, the surrogate's spouse must be a party to the
6 surrogacy agreement unless there is an active petition for
7 divorce, dissolution or annulment.

8 (4) The surrogacy agreement must be in a record signed
9 by each party listed in paragraph (3).

10 (5) The surrogate and each intended parent must
11 acknowledge in a record receipt of a copy of the surrogacy
12 agreement.

13 (6) The signature of each party to the surrogacy
14 agreement must be attested by a notarial officer or
15 witnessed.

16 (7) The surrogate and the intended parent or parents
17 must have independent legal representation under section
18 9802(a)(5) and (b)(3), and each counsel must be identified in
19 the surrogacy agreement.

20 (8) The following apply to legal representation for the
21 surrogate:

22 (i) The intended parent or parents must pay for the
23 representation.

24 (ii) The surrogate must give informed consent to the
25 representation.

26 (iii) There may not be interference with the
27 independence of professional judgment or attorney-client
28 relationship.

29 (iv) The representation must be in compliance with
30 the Rules of Professional Conduct.

1 (9) The surrogacy agreement must be executed before a
2 medical procedure occurs related to the surrogacy agreement,
3 other than the medical evaluation and mental health
4 consultation required by section 9802.

5 § 9804. Requirements of surrogacy agreements: content.

6 (a) General rule.--A surrogacy agreement must comply with
7 the following requirements:

8 (1) A surrogate agrees to attempt to become pregnant by
9 means of assisted reproduction.

10 (2) Except as otherwise provided in sections 9822
11 (relating to termination of genetic surrogacy agreement) and
12 9823(c) (relating to parentage under validated genetic
13 surrogacy agreement), the surrogate and the surrogate's
14 spouse or former spouse, if any, agree that they have no
15 claim to parentage of a child conceived by assisted
16 reproduction under the surrogacy agreement.

17 (3) If the surrogate's spouse is a party to the
18 surrogate agreement, the spouse must acknowledge and agree to
19 comply with the obligations imposed on the surrogate by the
20 surrogacy agreement.

21 (4) Except as otherwise provided in sections 9822 and
22 9823(c), the intended parent or, if there are two intended
23 parents, each one jointly and severally, immediately on birth
24 will be the exclusive parent or parents of the child,
25 regardless of number of children born or gender or mental or
26 physical condition of each child.

27 (5) Except as otherwise provided in sections 9822 and
28 9823(c), the intended parent or, if there are two intended
29 parents, each parent jointly and severally, immediately on
30 birth will assume responsibility for the financial support of

1 the child, regardless of number of children born or gender or
2 mental or physical condition of each child.

3 (6) The intended parent or parents must agree that they
4 are liable for the surrogacy-related medical expenses of the
5 surrogate, including expenses for health care provided for
6 assisted reproduction, prenatal care, labor and delivery, and
7 for the medical expenses of the resulting child not paid for
8 by insurance. This paragraph shall not be construed to
9 supplant health insurance coverage that is otherwise
10 available to the surrogate or an intended parent. This
11 paragraph shall not be deemed to change the health insurance
12 coverage of the surrogate or the responsibility of an
13 insurance company to pay benefits under a policy that covers
14 the surrogate. The surrogacy agreement under this paragraph
15 must include information disclosing how each intended parent
16 will cover the surrogacy-related medical expenses of the
17 surrogate and the medical expenses of the child.

18 (7) The surrogacy agreement may not infringe on the
19 rights of the surrogate to make all health and welfare
20 decisions regarding the surrogate, the surrogate's body and
21 the surrogate's pregnancy throughout the duration of the
22 surrogacy agreement, including during attempts to become
23 pregnant, delivery and after delivery. The surrogacy
24 agreement may not infringe upon the right of the surrogate to
25 autonomy in medical decision-making, including by requiring
26 the surrogate to undergo a scheduled, non-medically indicated
27 cesarean section or to undergo multiple embryo transfers. The
28 General Assembly finds and declares that an agreement
29 purporting to waive or limit the rights described in this
30 paragraph is void as against public policy.

1 (8) The surrogacy agreement must include information
2 about each party's right under this chapter to terminate the
3 surrogacy agreement.

4 (b) Additional provisions.--A surrogacy agreement may
5 provide for:

6 (1) payment of consideration and reasonable expenses not
7 required under subsection (a)(6); and

8 (2) reimbursement of specific expenses if the surrogacy
9 agreement is terminated under this chapter.

10 (c) Assignment prohibited.--A right created under a
11 surrogacy agreement is not assignable, and there is no third-
12 party beneficiary of the surrogacy agreement other than the
13 child.

14 § 9805. Surrogacy agreement: effect of subsequent change of
15 marital status.

16 (a) Surrogates.--Unless a surrogacy agreement expressly
17 provides otherwise:

18 (1) the marriage of a surrogate after the surrogacy
19 agreement is signed by all parties does not affect the
20 validity of the surrogacy agreement, consent to the surrogacy
21 agreement by the surrogate's spouse is not required and the
22 spouse is not a presumed parent of a child conceived by
23 assisted reproduction under the surrogacy agreement; and

24 (2) the divorce, dissolution or annulment of the
25 surrogate after the surrogacy agreement is signed by all
26 parties does not affect the validity of the surrogacy
27 agreement.

28 (b) Intended parents.--Unless a surrogacy agreement
29 expressly provides otherwise:

30 (1) the marriage of an intended parent after the

1 surrogacy agreement is signed by all parties does not affect
2 the validity of a surrogacy agreement, the consent of the
3 spouse of the intended parent is not required and the spouse
4 of the intended parent is not, based on the surrogacy
5 agreement, a parent of a child conceived by assisted
6 reproduction under the surrogacy agreement; and

7 (2) the divorce, dissolution or annulment of an intended
8 parent after the surrogacy agreement is signed by all parties
9 does not affect the validity of the surrogacy agreement, and,
10 except as otherwise provided in section 9822 (relating to
11 termination of genetic surrogacy agreement), the intended
12 parents are the parents of the child.

13 § 9806. Inspection of documents and records.

14 Unless the court orders otherwise, a petition and any other
15 document and record related to a surrogacy agreement filed with
16 the court under this subchapter are not open to inspection by
17 any individual other than the parties to the proceeding, a child
18 conceived by assisted reproduction under the surrogacy
19 agreement, their attorneys and the department. A court may not
20 authorize any other individual to inspect a document or record
21 related to the surrogacy agreement unless required by exigent
22 circumstances. The individual seeking to inspect the document
23 may be required to pay the expense of preparing a copy of the
24 document to be inspected.

25 § 9807. Exclusive, continuing jurisdiction.

26 During the period after the execution of a surrogacy
27 agreement until 180 days after the birth of a child conceived by
28 assisted reproduction under the surrogacy agreement, a court
29 conducting a proceeding under this part has exclusive,
30 continuing jurisdiction over all matters arising out of the

1 surrogacy agreement. This section does not give the court
2 jurisdiction over a child custody proceeding or child support
3 proceeding if jurisdiction is not otherwise authorized by the
4 law of this Commonwealth other than this part.

5 SUBCHAPTER B

6 SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT

7 Sec.

8 9811. Termination of gestational surrogacy agreement.

9 9812. Parentage under gestational surrogacy agreement.

10 9813. Gestational surrogacy agreement: parentage status of
11 deceased intended parent.

12 9814. Gestational surrogacy agreement: order of parentage.

13 9815. Effect of gestational surrogacy agreement.

14 § 9811. Termination of gestational surrogacy agreement.

15 (a) General rule.--A party to a gestational surrogacy
16 agreement may terminate the surrogacy agreement at any time
17 before an embryo transfer by giving notice of termination in a
18 record to all other parties. If an embryo transfer does not
19 result in a pregnancy, a party may terminate the surrogacy
20 agreement at any time before a subsequent embryo transfer.

21 (b) Limited release.--Unless a gestational surrogacy
22 agreement provides otherwise, on termination of the surrogacy
23 agreement under subsection (a), the parties are released from
24 the surrogacy agreement, except that each intended parent
25 remains responsible for expenses that are reimbursable under the
26 surrogacy agreement and incurred by the gestational surrogate
27 through the date of termination.

28 (c) Penalties and liquidated damages prohibited.--Except in
29 a case involving fraud, neither a gestational surrogate nor the
30 gestational surrogate's spouse or former spouse, if any, is

1 liable to the intended parent or parents for a penalty or
2 liquidated damages for terminating a gestational surrogacy
3 agreement under this section.

4 § 9812. Parentage under gestational surrogacy agreement.

5 (a) Intended parents.--Except as otherwise provided in
6 subsection (c) or section 9813(b) (relating to gestational
7 surrogacy agreement: parentage of deceased intended parent) or
8 9815 (relating to effect of gestational surrogacy agreement), on
9 the birth of a child conceived by assisted reproduction under a
10 gestational surrogacy agreement, each intended parent is, by
11 operation of law, a parent of the child.

12 (b) Surrogates.--Except as otherwise provided in subsection
13 (c) or section 9815, neither a gestational surrogate nor the
14 gestational surrogate's spouse or former spouse, if any, is a
15 parent of the child.

16 (c) When genetic testing required.--If a child is alleged to
17 be a genetic child of a gestational surrogate, the court shall
18 order genetic testing of the child. If the child is a genetic
19 child of a gestational surrogate, parentage must be determined
20 based on Chapters 91 (relating to general provisions), 92
21 (relating to parent-child relationship), 93 (relating to
22 voluntary acknowledgment of parentage), 95 (relating to genetic
23 testing) and 96 (relating to proceeding to adjudicate
24 parentage).

25 (d) Clinical and laboratory errors.--Except as otherwise
26 provided in subsection (c) or section 9813(b) or 9815, if, due
27 to a clinical or laboratory error, a child conceived by assisted
28 reproduction under a gestational surrogacy agreement is not
29 genetically related to an intended parent or a donor who donated
30 to the intended parent or parents, each intended parent, and not

1 the gestational surrogate and the gestational surrogate's spouse
2 or former spouse, if any, is a parent of the child, subject to
3 any other claim of parentage.

4 § 9813. Gestational surrogacy agreement: parentage status of
5 deceased intended parent.

6 (a) Death after gamete or embryo transfer.--Section 9812
7 (relating to parentage under gestational surrogacy agreement)
8 applies to an intended parent even if the intended parent dies
9 during the period between the transfer of a gamete or embryo and
10 the birth of the child.

11 (b) Death before gamete or embryo transfer.--Except as
12 otherwise provided in section 9815 (relating to effect of
13 gestational surrogacy agreement), an intended parent is not a
14 parent of a child conceived by assisted reproduction under a
15 gestational surrogacy agreement if the intended parent dies
16 before the transfer of a gamete or embryo unless:

17 (1) the surrogacy agreement provides otherwise;

18 (2) the transfer of a gamete or embryo occurs not later
19 than 36 months after the death of the intended parent or
20 birth of the child occurs not later than 45 months after the
21 death of the intended parent; and

22 (3) the estate of the deceased intended parent is
23 notified not later than six months after the death of the
24 intended parent that the transfer may occur.

25 § 9814. Gestational surrogacy agreement: order of parentage.

26 (a) Permissible relief.--Except as otherwise provided in
27 sections 9812(c) (relating to parentage under gestational
28 surrogacy agreement) or 9815 (relating to effect of gestational
29 surrogacy agreement), before, on or after the birth of a child
30 conceived by assisted reproduction under a gestational surrogacy

1 agreement, a party to the surrogacy agreement may commence a
2 proceeding in court for an order or judgment under subsection
3 (b). The requested order or judgment may be issued before or
4 after the birth of the child as requested by the parties. The
5 surrogate and all intended parents are necessary parties to the
6 proceeding. The petition must be accompanied by all of the
7 following:

8 (1) A certification from the attorney representing the
9 intended parent or parents and from the attorney representing
10 the surrogate that the surrogacy agreement complies with this
11 chapter.

12 (2) A statement from each party to the agreement that
13 the party knowingly and voluntarily entered into the
14 agreement and is requesting the order or judgment. A
15 statement under this paragraph from the surrogate's spouse is
16 not required if there is an active petition for divorce,
17 dissolution or annulment.

18 (b) Issuance of order or judgment.--On receipt of a petition
19 under subsection (a) and accompanying certifications and
20 statements, the court shall issue an order or judgment:

21 (1) declaring that each intended parent is a parent of
22 the child and ordering that parental rights and duties vest
23 immediately on the birth of the child exclusively in each
24 intended parent;

25 (2) declaring that the gestational surrogate and the
26 gestational surrogate's spouse or former spouse, if any, are
27 not the parents of the child;

28 (3) designating the content of the birth record in
29 accordance with law and directing the department to designate
30 each intended parent as a parent of the child;

1 (4) to protect the privacy of the child and the parties,
2 declaring that the court record is not open to inspection,
3 except as authorized under section 9806 (relating to
4 inspection of documents and records);

5 (5) declaring that the intended parent or parents shall
6 have exclusive custody and control of the child; and

7 (6) for other relief the court determines necessary and
8 proper.

9 (c) Order or judgment before birth.--The court may issue an
10 order or judgment under subsection (b) before the birth of the
11 child. The court shall stay enforcement of the order or judgment
12 until the birth of the child.

13 (d) Limitation on necessary parties.--Neither the
14 Commonwealth, the department nor the hospital, birthing center
15 or other facility where the child is or is expected to be born
16 is a necessary party to a proceeding under subsection (b).
17 § 9815. Effect of gestational surrogacy agreement.

18 (a) General rule.--A gestational surrogacy agreement that
19 substantially complies with sections 9802 (relating to
20 eligibility to enter into surrogacy agreement), 9803 (relating
21 to requirements of surrogacy agreement: process) and 9804
22 (relating to requirements of surrogacy agreement: content) is
23 enforceable.

24 (b) Noncomplying gestational surrogacy agreements.--If a
25 child was conceived by assisted reproduction under a gestational
26 surrogacy agreement that does not substantially comply with
27 sections 9802, 9803 and 9804, the court shall determine the
28 rights and duties of the parties to the surrogacy agreement
29 consistent with the intent of the parties at the time of
30 execution of the surrogacy agreement. Each party to the

1 surrogacy agreement and any individual who at the time of the
2 execution of the surrogacy agreement was a spouse of a party to
3 the surrogacy agreement has standing to maintain a proceeding to
4 adjudicate an issue related to the enforcement of the surrogacy
5 agreement.

6 (c) Remedies for breach.--Except as expressly provided in a
7 gestational surrogacy agreement or subsection (d), if the
8 surrogacy agreement is breached by the gestational surrogate or
9 one or more intended parents, the nonbreaching party is entitled
10 to the remedies available at law or in equity.

11 (d) When specific performance permitted.--If an intended
12 parent is determined to be a parent of the child, specific
13 performance is a remedy available for:

14 (1) breach of the surrogacy agreement by a gestational
15 surrogate which prevents the intended parent from exercising
16 immediately on birth of the child the full rights of
17 parentage; or

18 (2) breach by the intended parent which prevents the
19 intended parent's acceptance, immediately on birth of the
20 child conceived by assisted reproduction under the surrogacy
21 agreement, of the duties of parentage.

22 SUBCHAPTER C

23 SPECIAL RULES FOR GENETIC SURROGACY AGREEMENT

24 Sec.

25 9821. Requirements to validate genetic surrogacy agreement.

26 9822. Termination of genetic surrogacy agreement.

27 9823. Parentage under validated genetic surrogacy agreement.

28 9824. Effect of nonvalidated genetic surrogacy agreement.

29 9825. Genetic surrogacy agreement; parentage status of deceased
30 intended parent.

1 9826. Breach of genetic surrogacy agreement.

2 § 9821. Requirements to validate genetic surrogacy agreement.

3 (a) Prior court approval.--Except as otherwise provided in
4 section 9824 (relating to effect of nonvalidated genetic
5 surrogacy agreement), to be enforceable, a genetic surrogacy
6 agreement must be validated by the court. A proceeding to
7 validate the surrogacy agreement must be commenced before
8 assisted reproduction related to the surrogacy agreement.

9 (b) Conditions.--The court shall issue an order validating a
10 genetic surrogacy agreement if the court finds that:

11 (1) sections 9802 (relating to eligibility to enter into
12 surrogacy agreement), 9803 (relating to requirements of
13 surrogacy agreement: process) and 9804 (relating to
14 requirements of surrogacy agreement: content) are
15 substantially satisfied; and

16 (2) all parties entered into the surrogacy agreement
17 voluntarily and understand its terms.

18 (c) Notice of termination.--An individual who terminates a
19 genetic surrogacy agreement under section 9822 (relating to
20 termination of genetic surrogacy agreement) shall file notice of
21 the termination with the court. On receipt of the notice, the
22 court shall vacate any order issued under subsection (b). An
23 individual who does not notify the court of the termination of
24 the surrogacy agreement is subject to sanctions.

25 § 9822. Termination of genetic surrogacy agreement.

26 (a) Time.--An intended parent or a genetic surrogate who is
27 a party to the surrogacy agreement may terminate the surrogacy
28 agreement at any time before a gamete or embryo transfer by
29 giving notice of termination in a record to all other parties.
30 If a gamete or embryo transfer does not result in a pregnancy, a

1 party may terminate the surrogacy agreement at any time before a
2 subsequent gamete or embryo transfer. The notice of termination
3 must be attested by a notarial officer or witnessed.

4 (b) Limited release.--On termination of a genetic surrogacy
5 agreement, the parties are released from all obligations under
6 the surrogacy agreement, except that each intended parent
7 remains responsible for all expenses incurred by the genetic
8 surrogate through the date of termination, which are
9 reimbursable under the surrogacy agreement.

10 (c) Penalties and liquidated damages prohibited.--Except in
11 a case involving fraud, neither a genetic surrogate nor the
12 genetic surrogate's spouse or former spouse, if any, is liable
13 to the intended parent or parents for a penalty or liquidated
14 damages for terminating a genetic surrogacy agreement under this
15 section.

16 § 9823. Parentage under validated genetic surrogacy agreement.

17 (a) Intended parents.--Each intended parent is a parent of a
18 child conceived by assisted reproduction under a surrogacy
19 agreement validated under section 9821 (relating to requirements
20 to validate genetic surrogacy agreement).

21 (b) Court order.--On proof of a court order issued under
22 section 9821 validating the surrogacy agreement, the court shall
23 issue an order:

24 (1) declaring that each intended parent is a parent of a
25 child conceived by assisted reproduction under the surrogacy
26 agreement and ordering that parental rights and duties vest
27 exclusively in each intended parent;

28 (2) declaring that the genetic surrogate and the genetic
29 surrogate's spouse or former spouse, if any, are not parents
30 of the child;

1 (3) designating the contents of the birth certificate in
2 accordance with the law of this Commonwealth other than this
3 part and directing the department to designate each intended
4 parent as a parent of the child;

5 (4) to protect the privacy of the child and the parties,
6 declaring that the court record is not open to inspection,
7 except as authorized under section 9806 (relating to
8 inspection of documents and records);

9 (5) that the intended parent or parents have exclusive
10 custody and control of the child; and

11 (6) for other relief the court determines necessary and
12 proper.

13 (c) When genetic testing required.--If a child born to a
14 genetic surrogate is alleged not to have been conceived by
15 assisted reproduction, the court shall order genetic testing to
16 determine the genetic parentage of the child. If the child was
17 not conceived by assisted reproduction, parentage must be
18 determined under Chapters 91 (relating to general provisions),
19 92 (relating to parent-child relationship), 93 (relating to
20 voluntary acknowledgment of parentage), 95 (relating to genetic
21 testing) and 96 (relating to proceeding to adjudicate
22 parentage). Unless the genetic surrogacy agreement provides
23 otherwise, if the child was not conceived by assisted
24 reproduction, the genetic surrogate is not entitled to any
25 nonexpense-related compensation paid for serving as a genetic
26 surrogate.

27 (d) Court order of intended parent.--Unless a genetic
28 surrogate exercises the right under section 9822 (relating to
29 termination of genetic surrogacy agreement) to terminate the
30 genetic surrogacy agreement, if an intended parent fails to file

notice required under section 9822(a), the genetic surrogate or the department may file with the court, not later than 60 days after the birth of a child conceived by assisted reproduction under the surrogacy agreement, notice that the child has been born to the genetic surrogate. On proof of a court order issued under section 9821 validating the surrogacy agreement, the court shall issue an order declaring that each intended parent is a parent of the child.

§ 9824. Effect of nonvalidated genetic surrogacy agreement.

(a) Enforceable.--A genetic surrogacy agreement, whether or not in a record, that is not validated under section 9821 (relating to requirements to validate genetic surrogacy agreement) is enforceable only to the extent provided in this section and section 9826 (relating to breach of genetic surrogacy agreement).

(b) Court validation with agreement of parties.--If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the birth of a child conceived by assisted reproduction under the surrogacy agreement if, upon examination of the parties, the court finds that:

(1) sections 9802 (relating to eligibility to enter into surrogacy agreement), 9803 (relating to requirements of surrogacy agreement: process) and 9804 (relating to requirements of surrogacy agreement: content) have been satisfied; and

(2) all parties entered into the surrogacy agreement voluntarily and understood its terms.

(c) Adjudication of parentage.--If a child conceived by assisted reproduction under a genetic surrogacy agreement that

1 is not validated under section 9821 is born, the genetic
2 surrogate is not automatically a parent and the court shall
3 adjudicate parentage of the child based on the best interest of
4 the child, taking into account the factors in section 9613(a)
5 (relating to adjudicating competing claims of parentage) and the
6 intent of the parties at the time of the execution of the
7 surrogacy agreement.

8 (d) Standing.--The parties to a genetic surrogacy agreement
9 have standing to maintain a proceeding to adjudicate parentage
10 under this section.

11 § 9825. Genetic surrogacy agreement; parentage status of
12 deceased intended parent.

13 (a) Death after gamete or embryo transfer.--Except as
14 otherwise provided in section 9823 (relating to parentage under
15 validated genetic surrogacy agreement) or 9824 (relating to
16 effect of nonvalidated genetic surrogacy agreement), on birth of
17 a child conceived by assisted reproduction under a genetic
18 surrogacy agreement, each intended parent is, by operation of
19 law, a parent of the child, notwithstanding the death of an
20 intended parent during the period between the transfer of a
21 gamete or embryo and the birth of the child.

22 (b) Death before gamete or embryo transfer.--Except as
23 otherwise provided in section 9823 or 9824, an intended parent
24 is not a parent of a child conceived by assisted reproduction
25 under a genetic surrogacy agreement if the intended parent dies
26 before the transfer of a gamete or embryo unless:

27 (1) the surrogacy agreement provides otherwise;

28 (2) the transfer of the gamete or embryo occurs not
29 later than 36 months after the death of the intended parent
30 or birth of the child occurs not later than 45 months after

1 the death of the intended parent; and

2 (3) the estate of the deceased intended parent is
3 notified not later than six months after the death of the
4 intended parent that the transfer may occur.

5 § 9826. Breach of genetic surrogacy agreement.

6 (a) Remedies for breach.--Subject to section 9822(b)
7 (relating to termination of genetic surrogacy agreement), if a
8 genetic surrogacy agreement is breached by a genetic surrogate
9 or one or more intended parents, the nonbreaching party is
10 entitled to the remedies available at law or in equity.

11 (b) When specific performance permitted.--Specific
12 performance is a remedy available for:

13 (1) breach of a validated genetic surrogacy agreement by
14 a genetic surrogate of a requirement which prevents an
15 intended parent from exercising the full rights of parentage
16 after the birth of the child; or

17 (2) breach by an intended parent which prevents the
18 intended parent's acceptance of duties of parentage after the
19 birth of the child.

20 CHAPTER 99

21 INFORMATION ABOUT DONOR

22 Sec.

23 9901. Definitions.

24 9902. Applicability.

25 9903. Collection of information.

26 9904. Disclosure of information.

27 9905. Recordkeeping.

28 § 9901. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Identifying information." All of the following:

- 3 (1) the full name of a donor;
4 (2) the date of birth of the donor; and
5 (3) the permanent and, if different, current telephone
6 number, email address and address of the donor at the time of
7 the donation.

8 "Medical history." Clinically relevant information known to
9 the donor at the time of collection regarding a:

- 10 (1) present illness of a donor;
11 (2) past illness of the donor; and
12 (3) genetic and family history pertaining to the health
13 of the donor.

14 § 9902. Applicability.

15 This chapter applies only to gametes collected on or after
16 the effective date of this section.

17 § 9903. Collection of information.

18 A gamete bank or fertility clinic authorized ~~by law~~ to <--
19 operate ~~in~~ UNDER THE LAWS OF this Commonwealth shall: <--

20 (1) collect from a donor the donor's identifying
21 information and medical history at the time of the donation;

22 (2) collect from any other gamete bank or fertility
23 clinic from which it receives gametes of a donor the name,
24 address, telephone number and email address of the other
25 gamete bank or fertility clinic; and

26 (3) ~~disclose nonidentifying medical history information~~ <--
27 collected under paragraph (1) and the information collected
28 under paragraph (2) in accordance with section 9904 (relating
29 to disclosure of information).

30 § 9904. Disclosure of information.

1 (a) Nonidentifying medical history of donor.--Upon request
2 of a child conceived by assisted reproduction who has attained
3 18 years of age, or by a parent or guardian on behalf of a minor
4 child, a gamete bank or fertility clinic authorized to operate
5 under the laws of this Commonwealth and which collected the
6 gamete used in the assisted reproduction shall make a good faith
7 effort to provide access to the donor's nonidentifying medical
8 history to the requester.

9 (b) Information about source gamete bank or fertility
10 clinic.--Upon request of a child conceived by assisted
11 reproduction who has attained 18 years of age, OR BY A PARENT OR <--
12 GUARDIAN ON BEHALF OF A MINOR CHILD, a gamete bank or fertility
13 clinic authorized to operate under the laws of this Commonwealth
14 that received the gametes used in the assisted reproduction from
15 another gamete bank or fertility clinic shall disclose the name,
16 address, telephone number and email address of the gamete bank
17 or fertility clinic from which the gametes were received TO THE <--
18 REQUESTER.

19 § 9905. Recordkeeping.

20 (a) Donor information.--A gamete bank or fertility clinic
21 authorized ~~by law~~ to operate ~~in~~ UNDER THE LAWS OF this <--
22 Commonwealth which collects gametes for use in assisted
23 reproduction shall maintain identifying information and medical
24 history about each gamete donor. The gamete bank or fertility
25 clinic shall maintain records of gamete screening and testing
26 and comply with reporting requirements, in accordance with
27 Federal law and applicable law of this Commonwealth other than
28 this part.

29 (b) Gamete bank or fertility clinic information.--A gamete
30 bank or fertility clinic authorized ~~by law~~ to operate ~~in~~ UNDER <--

1 THE LAWS OF this Commonwealth which receives gametes from
2 another gamete bank or fertility clinic shall maintain the name,
3 address, telephone number and email address of the gamete bank
4 or fertility clinic from which it received the gametes.

5 CHAPTER 99A

6 MISCELLANEOUS PROVISIONS

7 Sec.

8 99A01. Uniformity of application and construction.

9 99A02. Relation to Electronic Signatures in Global and National
10 Commerce Act.

11 99A03. Transitional provision.

12 § 99A01. Uniformity of application and construction.

13 In applying and construing this uniform act, consideration
14 must be given to the need to promote uniformity of the law with
15 respect to its subject matter among states that enact it.

16 § 99A02. Relation to Electronic Signatures in Global and
17 National Commerce Act.

18 To the extent permitted by section 102 of the Electronic
19 Signatures in Global and National Commerce Act (Public Law 106-
20 229, 15 U.S.C. § 7002), this part may supersede provisions of
21 that act.

22 § 99A03. Transitional provision.

23 This part applies to a pending proceeding to adjudicate
24 parentage commenced before the effective date of this section
25 for an issue on which a judgment has not been entered.

26 Section 9. Section 931(c) of Title 42 is amended to read:

27 § 931. Original jurisdiction and venue.

28 * * *

29 (c) Venue and process.--Except as provided by section 5101.1
30 (relating to venue in medical professional liability actions)

1 [and], Subchapter B of Chapter 85 (relating to actions against
2 Commonwealth parties) and 23 Pa.C.S. § 9605 (relating to venue),
3 the venue of a court of common pleas concerning matters over
4 which jurisdiction is conferred by this section shall be as
5 prescribed by general rule. The process of the court shall
6 extend beyond the territorial limits of the judicial district to
7 the extent prescribed by general rule. Except as otherwise
8 prescribed by general rule, in a proceeding to enforce an order
9 of a government agency the process of the court shall extend
10 throughout this Commonwealth.

11 Section 10. All acts and parts of acts are repealed insofar
12 as they are inconsistent with this act.

13 Section 11. This act shall take effect in one year.