

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 350 Session of 2023

INTRODUCED BY SANCHEZ, D. MILLER, MADDEN, PROBST, CEPEDA-FREYTIZ, DELLOSO, HANBIDGE, GUENST, KINKEAD, HOWARD, N. NELSON, GREEN, MERCURI AND WAXMAN, MARCH 13, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2024

AN ACT

1 ~~Amending Title 23 (Domestic Relations) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, adding provisions relating to~~
3 ~~establishment of parent child relationship for certain~~
4 ~~individuals; providing for voluntary acknowledgment of~~
5 ~~parentage, for registry of paternity, for genetic testing,~~
6 ~~for proceeding to adjudicate parentage, for assisted~~
7 ~~reproduction, for surrogacy agreements and for information~~
8 ~~about donors.~~

9 AMENDING TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES, IN PROCEEDINGS PRIOR TO PETITION TO
11 ADOPT, FURTHER PROVIDING FOR HEARING, FOR ALTERNATIVE
12 PROCEDURE FOR RELINQUISHMENT AND FOR HEARING; IN SUPPORT
13 MATTERS GENERALLY, FURTHER PROVIDING FOR PATERNITY AND FOR
14 CONTINUING JURISDICTION OVER SUPPORT ORDERS; IN GENERAL
15 PROVISIONS RELATING TO CHILDREN AND MINORS, REPEALING
16 PROVISIONS RELATING TO ACKNOWLEDGMENT AND CLAIM OF PATERNITY;
17 IN JURISDICTION, FURTHER PROVIDING FOR BASES FOR JURISDICTION
18 OVER NONRESIDENT; ENACTING THE UNIFORM PARENTAGE ACT; AND
19 PROVIDING FOR PARENT-CHILD RELATIONSHIP FOR CERTAIN
20 INDIVIDUALS, FOR VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE, FOR
21 GENETIC TESTING, FOR PROCEEDING TO ADJUDICATE PARENTAGE, FOR
22 ASSISTED REPRODUCTION, FOR SURROGACY AGREEMENTS AND FOR
23 INFORMATION ABOUT DONORS.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 ~~Section 1. Title 23 of the Pennsylvania Consolidated~~ <--
27 ~~Statutes is amended by adding a part to read:~~

1 PART IX A

2 UNIFORM PARENTAGE ACT

3 Chapter

4 91. General Provisions

5 92. Parent child Relationship

6 93. Voluntary Acknowledgment of Parentage

7 94. Registry of Paternity

8 95. Genetic Testing

9 96. Proceeding to Adjudicate Parentage

10 97. Assisted Reproduction

11 98. Surrogacy Agreement

12 99. Information about Donor

13 99A. Miscellaneous Provisions

14 CHAPTER 91

15 GENERAL PROVISIONS

16 Sec.

17 9101. Short title of part.

18 9102. Definitions.

19 9103. Scope of part.

20 9104. Authorized court.

21 9105. Applicable law.

22 9106. Data privacy.

23 9107. Establishment of maternity and paternity.

24 § 9101. Short title of part.

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

26 § 9102. Definitions.

27 Subject to additional definitions contained in subsequent

28 provisions of this part which are applicable to specific

29 provisions of this part, the following words and phrases when

30 used in this part shall have the meanings given to them in this

1 ~~section unless the context clearly indicates otherwise:~~

2 ~~"Acknowledged parent." An individual who has established a~~  
3 ~~parent-child relationship under Chapter 93 (relating to~~  
4 ~~voluntary acknowledgment of parentage).~~

5 ~~"Adjudicated parent." An individual who has been adjudicated~~  
6 ~~to be a parent of a child by a court with jurisdiction.~~

7 ~~"Alleged genetic parent." An individual who is alleged to~~  
8 ~~be, or alleges that the individual is, a genetic parent or~~  
9 ~~possible genetic parent of a child whose parentage has not been~~  
10 ~~adjudicated. The term includes an alleged genetic father and~~  
11 ~~alleged genetic mother. The term does not include:~~

12 ~~(1) a presumed parent;~~

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

15 ~~(3) a donor.~~

16 ~~"Assisted reproduction." A method of causing pregnancy other~~  
17 ~~than sexual intercourse. The term includes:~~

18 ~~(1) intrauterine or intracervical insemination;~~

19 ~~(2) donation of gametes;~~

20 ~~(3) donation of embryos;~~

21 ~~(4) in vitro fertilization and transfer of embryos; and~~

22 ~~(5) intracytoplasmic sperm injection.~~

23 ~~"Birth." Includes stillbirth.~~

24 ~~"Child." An individual of any age whose parentage may be~~  
25 ~~determined under this part.~~

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

30 ~~"Determination of parentage." Establishment of a parent~~

~~1 child relationship by a judicial or administrative proceeding or  
2 signing of a valid acknowledgment of parentage under Chapter 93.~~

~~3 "Donor." An individual who provides gametes intended for use  
4 in assisted reproduction, whether or not for consideration. The  
5 term does not include:~~

~~6 (1) a woman who gives birth to a child conceived by  
7 assisted reproduction, except as otherwise provided in  
8 Chapter 98 (relating to surrogacy agreement); or~~

~~9 (2) a parent under Chapter 97 (relating to assisted  
10 reproduction) or an intended parent under Chapter 98.~~

~~11 "Gamete." A sperm, an egg or any part of a sperm or an egg.~~

~~12 "Genetic testing." An analysis of genetic markers to  
13 identify or exclude a genetic relationship.~~

~~14 "Individual." A natural person of any age.~~

~~15 "Intended parent." An individual, married or unmarried, who  
16 manifests an intent to be legally bound as a parent of a child  
17 conceived by assisted reproduction.~~

~~18 "Man." A male individual of any age.~~

~~19 "Parent." An individual who has established a parent-child  
20 relationship under section 9201 (relating to establishment of  
21 parent-child relationship).~~

~~22 "Parentage" or "parent-child relationship." The legal  
23 relationship between a child and a parent of the child.~~

~~24 "Presumed parent." An individual who, under section 9204  
25 (relating to presumption of parentage), is presumed to be a  
26 parent of a child, unless the presumption is overcome in a  
27 judicial proceeding, a valid denial of parentage is made under  
28 Chapter 93 or a court adjudicates the individual to be a parent.~~

~~29 "Record." Information that is inscribed on a tangible medium  
30 or that is stored in an electronic or other medium and is~~

1 ~~retrievable in perceivable form.~~

2 ~~"Sign." With present intent to authenticate or adopt a~~  
3 ~~record:~~

4 ~~(1) to execute or adopt a tangible symbol; or~~

5 ~~(2) to attach to or logically associate with the record~~  
6 ~~an electronic symbol, sound or process.~~

7 ~~"Signatory." An individual who signs a record.~~

8 ~~"State." A state of the United States, the District of~~  
9 ~~Columbia, Puerto Rico, the United States Virgin Islands or any~~  
10 ~~territory or insular possession under the jurisdiction of the~~  
11 ~~United States. The term includes a federally recognized Indian~~  
12 ~~tribe.~~

13 ~~"Transfer." A procedure for assisted reproduction by which~~  
14 ~~an embryo or sperm is placed in the body of a woman who will~~  
15 ~~give birth to a child.~~

16 ~~"Witnessed." At least one individual who is authorized to~~  
17 ~~sign has signed a record to verify that the individual~~  
18 ~~personally observed a signatory sign the record.~~

19 ~~"Woman." A female individual of any age.~~

20 ~~§ 9103. Scope of part.~~

21 ~~(a) General rule. This part applies to an adjudication or~~  
22 ~~determination of parentage.~~

23 ~~(b) Construction. This part does not create, affect,~~  
24 ~~enlarge or diminish parental rights or duties under the law of~~  
25 ~~this State other than this part.~~

26 ~~§ 9104. Authorized court.~~

27 ~~The court may adjudicate parentage under this part.~~

28 ~~§ 9105. Applicable law.~~

29 ~~The court shall apply the law of this State to adjudicate~~  
30 ~~parentage. The applicable law does not depend on:~~

1 ~~(1) the place of birth of the child; or~~  
2 ~~(2) the past or present residence of the child.~~

3 ~~§ 9106. Data privacy.~~

4 ~~A proceeding under this part is subject to the law of this~~  
5 ~~State other than this part which governs the health, safety,~~  
6 ~~privacy and liberty of a child or other individual who could be~~  
7 ~~affected by disclosure of information that could identify the~~  
8 ~~child or other individual, including address, telephone number,~~  
9 ~~digital contact information, place of employment, Social~~  
10 ~~Security number and the child's day care facility or school.~~

11 ~~§ 9107. Establishment of maternity and paternity.~~

12 ~~To the extent practicable, a provision of this part~~  
13 ~~applicable to a father child relationship applies to a mother~~  
14 ~~child relationship and a provision of this part applicable to a~~  
15 ~~mother child relationship applies to a father child~~  
16 ~~relationship.~~

17 ~~CHAPTER 92~~

18 ~~PARENT CHILD RELATIONSHIP~~

19 ~~Sec.~~

20 ~~9201. Establishment of parent child relationship.~~

21 ~~9202. No discrimination based on marital status of parent.~~

22 ~~9203. Consequences of establishing parentage.~~

23 ~~9204. Presumption of parentage.~~

24 ~~§ 9201. Establishment of parent child relationship.~~

25 ~~A parent child relationship is established between an~~  
26 ~~individual and a child if:~~

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

30 ~~(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 under Chapter 96 (relating to proceeding to adjudicate parentage);~~

~~(4) the individual adopts the child;~~

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

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

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

~~§ 9202. No discrimination based on marital status of parent.~~

~~A parent child relationship extends equally to every child and parent, regardless of the marital status of the parent.~~

~~§ 9203. Consequences of establishing parentage.~~

~~Unless parental rights are terminated, a parent child relationship established under this part applies for all purposes, except as otherwise provided by the law of this State other than this part.~~

~~§ 9204. Presumption of parentage.~~

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

~~(1) except as otherwise provided under Chapter 98—~~

1 ~~(relating to surrogacy agreement) or the law of this State~~  
2 ~~other than this part:~~

3 ~~(i) the individual and the woman who gave birth to~~  
4 ~~the child are married to each other and the child is born~~  
5 ~~during the marriage, whether the marriage is or could be~~  
6 ~~declared invalid;~~

7 ~~(ii) the individual and the woman who gave birth to~~  
8 ~~the child were married to each other and the child is~~  
9 ~~born not later than 300 days after the marriage is~~  
10 ~~terminated by death, divorce, dissolution or annulment,~~  
11 ~~whether the marriage is or could be declared invalid; or~~

12 ~~(iii) the individual and the woman who gave birth to~~  
13 ~~the child married each other after the birth of the~~  
14 ~~child, whether the marriage is or could be declared~~  
15 ~~invalid, the individual at any time asserted parentage of~~  
16 ~~the child and:~~

17 ~~(A) the assertion is in a record filed with the~~  
18 ~~Bureau of Vital Statistics; or~~

19 ~~(B) the individual agreed to be and is named as~~  
20 ~~a parent of the child on the birth certificate of the~~  
21 ~~child; or~~

22 ~~(2) the individual resided in the same household with~~  
23 ~~the child for the first two years of the life of the child,~~  
24 ~~including any period of temporary absence, and openly held~~  
25 ~~out the child as the individual's child.~~

26 ~~(b) Effect of presumption of parentage. A presumption of~~  
27 ~~parentage under this section may be overcome and competing~~  
28 ~~claims to parentage may be resolved only by an adjudication~~  
29 ~~under Chapter 96 (relating to proceeding to adjudicate~~  
30 ~~parentage) or a valid denial of parentage under Chapter 93~~



1 ~~(relating to voluntary acknowledgment of parentage).~~

2 ~~CHAPTER 93~~

3 ~~VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE~~

4 ~~Sec.~~

5 ~~9301. Acknowledgment of parentage.~~

6 ~~9302. Execution of acknowledgment of parentage.~~

7 ~~9303. Denial of parentage.~~

8 ~~9304. Rules for acknowledgment or denial of parentage.~~

9 ~~9305. Effect of acknowledgment or denial of parentage.~~

10 ~~9306. No filing fee.~~

11 ~~9307. Ratification barred.~~

12 ~~9308. Procedure for rescission.~~

13 ~~9309. Challenge after expiration of period for rescission.~~

14 ~~9310. Procedure for challenge by signatory.~~

15 ~~9311. Full faith and credit.~~

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

17 ~~9313. Release of information.~~

18 ~~9314. Adoption of rules.~~

19 ~~§ 9301. Acknowledgment of parentage.~~

20 ~~A woman who gave birth to a child and an alleged genetic~~  
21 ~~father of the child, intended parent under Chapter 97 (relating~~  
22 ~~to assisted reproduction) or presumed parent may sign an~~  
23 ~~acknowledgment of parentage to establish the parentage of the~~  
24 ~~child.~~

25 ~~§ 9302. Execution of acknowledgment of parentage.~~

26 ~~(a) General rule. An acknowledgment of parentage under~~  
27 ~~section 9301 (relating to acknowledgment of parentage) must:~~

28 ~~(1) be in a record signed by the woman who gave birth to~~  
29 ~~the child and by the individual seeking to establish a~~  
30 ~~parent child relationship, and the signatures must be~~

1 ~~attested by a notarial officer or witnessed;~~

2 ~~(2) state that the child whose parentage is being~~  
3 ~~acknowledged;~~

4 ~~(i) does not have a presumed parent other than the~~  
5 ~~individual seeking to establish the parent child~~  
6 ~~relationship or has a presumed parent whose full name is~~  
7 ~~stated; and~~

8 ~~(ii) does not have another acknowledged parent,~~  
9 ~~adjudicated parent or individual who is a parent of the~~  
10 ~~child under Chapter 97 (relating to assisted~~  
11 ~~reproduction) or 98 (relating to surrogacy agreement)~~  
12 ~~other than the woman who gave birth to the child; and~~

13 ~~(3) state that the signatories understand that the~~  
14 ~~acknowledgment is the equivalent of an adjudication of~~  
15 ~~parentage of the child and that a challenge to the~~  
16 ~~acknowledgment is permitted only under limited circumstances~~  
17 ~~and is barred two years after the effective date of the~~  
18 ~~acknowledgment.~~

19 ~~(b) Void acknowledgment of parentage. An acknowledgment of~~  
20 ~~parentage is void if, at the time of signing:~~

21 ~~(1) an individual other than the individual seeking to~~  
22 ~~establish parentage is a presumed parent, unless a denial of~~  
23 ~~parentage by the presumed parent in a signed record is filed~~  
24 ~~with the Bureau of Vital Statistics; or~~

25 ~~(2) an individual, other than the woman who gave birth~~  
26 ~~to the child or the individual seeking to establish~~  
27 ~~parentage, is an acknowledged or adjudicated parent or a~~  
28 ~~parent under Chapter 97 or 98.~~

29 ~~§ 9303. Denial of parentage.~~

30 ~~A presumed parent or alleged genetic parent may sign a denial~~

1 ~~of parentage in a record. The denial of parentage is valid only~~  
2 ~~if:~~

3 ~~(1) an acknowledgment of parentage by another individual~~  
4 ~~is filed under section 9305 (relating to effect of~~  
5 ~~acknowledgment or denial of parentage);~~

6 ~~(2) the signature of the presumed parent or alleged~~  
7 ~~genetic parent is attested by a notarial officer or~~  
8 ~~witnessed; and~~

9 ~~(3) the presumed parent or alleged genetic parent has~~  
10 ~~not previously:~~

11 ~~(i) completed a valid acknowledgment of parentage,~~  
12 ~~unless the previous acknowledgment was rescinded under~~  
13 ~~section 9308 (relating to procedure for rescission) or~~  
14 ~~challenged successfully under section 9309 (relating to~~  
15 ~~challenge after expiration of period for rescission); or~~

16 ~~(ii) been adjudicated to be a parent of the child.~~  
17 ~~§ 9304. Rules for acknowledgment or denial of parentage.~~

18 ~~(a) General rule. An acknowledgment of parentage and a~~  
19 ~~denial of parentage may be contained in a single document or may~~  
20 ~~be in counterparts and may be filed with the Bureau of Vital~~  
21 ~~Statistics separately or simultaneously. If filing of the~~  
22 ~~acknowledgment and denial both are required under this part,~~  
23 ~~neither is effective until both are filed.~~

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

27 ~~(c) Effective date. Subject to subsection (a), an~~  
28 ~~acknowledgment of parentage or denial of parentage takes effect~~  
29 ~~on the birth of the child or filing of the document with the~~  
30 ~~Bureau of Vital Statistics, whichever occurs later.~~

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

4 ~~§ 9305. Effect of acknowledgment or denial of parentage.~~

5 ~~(a) Acknowledgment of parentage. Except as otherwise~~  
6 ~~provided in sections 9308 (relating to procedure for rescission)~~  
7 ~~and 9309 (relating to challenge after expiration of period for~~  
8 ~~rescission), an acknowledgment of parentage that complies with~~  
9 ~~this chapter and is filed with the Bureau of Vital Statistics is~~  
10 ~~equivalent to an adjudication of parentage of the child and~~  
11 ~~confers on the acknowledged parent all rights and duties of a~~  
12 ~~parent.~~

13 ~~(b) Denial of parentage. Except as otherwise provided in~~  
14 ~~sections 9308 and 9309, a denial of parentage by a presumed~~  
15 ~~parent or alleged genetic parent which complies with this~~  
16 ~~chapter and is filed with the Bureau of Vital Statistics with an~~  
17 ~~acknowledgment of parentage that complies with this chapter is~~  
18 ~~equivalent to an adjudication of the nonparentage of the~~  
19 ~~presumed parent or alleged genetic parent and discharges the~~  
20 ~~presumed parent or alleged genetic parent from all rights and~~  
21 ~~duties of a parent.~~

22 ~~§ 9306. No filing fee.~~

23 ~~The Bureau of Vital Statistics may not charge a fee for~~  
24 ~~filing an acknowledgment of parentage or denial of parentage.~~

25 ~~§ 9307. Ratification barred.~~

26 ~~A court conducting a judicial proceeding or an administrative~~  
27 ~~agency conducting an administrative proceeding is not required~~  
28 ~~or permitted to ratify an unchallenged acknowledgment of~~  
29 ~~parentage.~~

30 ~~§ 9308. Procedure for rescission.~~

1 ~~(a) General rule.— A signatory may rescind an acknowledgment~~  
2 ~~of parentage or denial of parentage by filing with the Bureau of~~  
3 ~~Vital Statistics a rescission in a signed record which is~~  
4 ~~attested by a notarial officer or witnessed before the earlier~~  
5 ~~of:~~

6 ~~(1) sixty days after the effective date under section~~  
7 ~~9304 (relating to rules for acknowledgment or denial of~~  
8 ~~parentage) of the acknowledgment or denial; or~~

9 ~~(2) the date of the first hearing before a court in a~~  
10 ~~proceeding, to which the signatory is a party, to adjudicate~~  
11 ~~an issue relating to the child, including a proceeding that~~  
12 ~~establishes support.~~

13 ~~(b) Associated denial of parentage.— If an acknowledgment of~~  
14 ~~parentage is rescinded under subsection (a), an associated~~  
15 ~~denial of parentage is invalid, and the Bureau of Vital~~  
16 ~~Statistics shall notify the woman who gave birth to the child~~  
17 ~~and the individual who signed a denial of parentage of the child~~  
18 ~~that the acknowledgment has been rescinded. Failure to give the~~  
19 ~~notice required by this subsection does not affect the validity~~  
20 ~~of the rescission.~~

21 ~~§ 9309. Challenge after expiration of period for rescission.~~

22 ~~(a) Signatories.— After the period for rescission under~~  
23 ~~section 9308 (relating to procedure for rescission) expires, but~~  
24 ~~not later than two years after the effective date under section~~  
25 ~~9304 (relating to rules for acknowledgment or denial of~~  
26 ~~parentage) of an acknowledgment of parentage or denial of~~  
27 ~~parentage, a signatory of the acknowledgment or denial may~~  
28 ~~commence a proceeding to challenge the acknowledgment or denial,~~  
29 ~~including a challenge brought under section 9614 (relating to~~  
30 ~~precluding establishment of parentage by perpetrator of sexual~~

1 ~~assault), only on the basis of fraud, duress or material mistake~~  
2 ~~of fact.~~

3 ~~(b) Nonsignatories. A challenge to an acknowledgment of~~  
4 ~~parentage or denial of parentage by an individual who was not a~~  
5 ~~signatory to the acknowledgment or denial is governed by section~~  
6 ~~9310 (relating to procedure for challenge by signatory).~~  
7 ~~§ 9310. Procedure for challenge by signatory.~~

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

11 ~~(b) Personal jurisdiction. By signing an acknowledgment of~~  
12 ~~parentage or denial of parentage, a signatory submits to~~  
13 ~~personal jurisdiction in this State in a proceeding to challenge~~  
14 ~~the acknowledgment or denial, effective on the filing of the~~  
15 ~~acknowledgment or denial with the Bureau of Vital Statistics.~~

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

22 ~~(d) Burden of proof. A party challenging an acknowledgment~~  
23 ~~of parentage or denial of parentage has the burden of proof.~~

24 ~~(e) Order to amend birth record. If the court determines~~  
25 ~~that a party has satisfied the burden of proof under subsection~~  
26 ~~(d), the court shall order the Bureau of Vital Statistics to~~  
27 ~~amend the birth record of the child to reflect the legal~~  
28 ~~parentage of the child.~~

29 ~~(f) Conduct of proceedings. A proceeding to challenge an~~  
30 ~~acknowledgment of parentage or denial of parentage must be~~

1 ~~conducted under Chapter 96 (relating to proceeding to adjudicate~~  
2 ~~parentage).~~

3 ~~§ 9311. Full faith and credit.~~

4 ~~The court shall give full faith and credit to an~~  
5 ~~acknowledgment of parentage or denial of parentage effective in~~  
6 ~~another state if the acknowledgment or denial is in a signed~~  
7 ~~record and otherwise complies with the law of the other state.~~

8 ~~§ 9312. Forms for acknowledgment and denial of parentage.~~

9 ~~(a) Duty to prescribe forms. The Bureau of Vital Statistics~~  
10 ~~shall prescribe forms for an acknowledgment of parentage and~~  
11 ~~denial of parentage.~~

12 ~~(b) Effect of later modification. A valid acknowledgment of~~  
13 ~~parentage or denial of parentage is not affected by a later~~  
14 ~~modification of the form under subsection (a).~~

15 ~~§ 9313. Release of information.~~

16 ~~The Bureau of Vital Statistics may release information~~  
17 ~~relating to an acknowledgment of parentage or denial of~~  
18 ~~parentage to a signatory of the acknowledgment or denial, court,~~  
19 ~~Federal agency and child support agency of this or another~~  
20 ~~state.~~

21 ~~§ 9314. Adoption of rules.~~

22 ~~The Bureau of Vital Statistics may adopt rules to implement~~  
23 ~~this chapter.~~

24 ~~CHAPTER 94~~

25 ~~REGISTRY OF PATERNITY~~

26 ~~Subchapter~~

27 ~~A. General Provisions~~

28 ~~B. Operation of Registry~~

29 ~~C. Search of Registry~~

30 ~~SUBCHAPTER A~~

1 GENERAL PROVISIONS

2 Sec.

3 9401. Establishment of registry.

4 9402. Registration for notification.

5 9403. Notice of proceeding.

6 9404. Termination of parental rights: child under one year of  
7 age.

8 9405. Termination of parental rights: child at least one year  
9 of age.

10 § 9401. Establishment of registry.

11 A registry of paternity is established in the Department of  
12 Health.

13 § 9402. Registration for notification.

14 (a) General rule. Except as otherwise provided in  
15 subsection (b) or section 9405 (relating to termination of  
16 parental rights: child at least one year of age), a man who  
17 desires to be notified of a proceeding for adoption of or  
18 termination of parental rights regarding his genetic child must  
19 register in the registry of paternity established by section  
20 9401 (relating to establishment of registry) before the birth of  
21 the child or not later than 30 days after the birth.

22 (b) Exemption from registry. A man is not required to  
23 register under subsection (a) if:

24 (1) a parent child relationship between the man and the  
25 child has been established under this part or the law of this  
26 State other than this part; or

27 (2) the man commences a proceeding to adjudicate his  
28 parentage before a court has terminated his parental rights.

29 (c) Duty to notify registry of changes. A man who registers  
30 under subsection (a) shall notify the registry promptly in a



~~1 record of any change in the information registered. The  
2 Department of Health shall incorporate new information received  
3 into its records but need not seek to obtain current information  
4 for incorporation in the registry.~~

~~5 § 9403. Notice of proceeding.~~

~~6 An individual who seeks to adopt a child or terminate  
7 parental rights to the child shall give notice of the proceeding  
8 to a man who has registered timely under section 9402(a)  
9 (relating to registration for notification) regarding the child.  
10 Notice must be given in a manner prescribed for service of  
11 process in a civil proceeding in this State.~~

~~12 § 9404. Termination of parental rights: child under one year of  
13 age.~~

~~14 An individual who seeks to adopt or terminate parental rights  
15 to a child is not required to give notice of the proceeding to a  
16 man who may be the genetic father of the child if:~~

~~17 (1) the child is under one year of age at the time of  
18 the termination of parental rights;~~

~~19 (2) the man did not register timely under section  
20 9402(a) (relating to registration for notification); and~~

~~21 (3) the man is not exempt from registration under  
22 section 9402(b).~~

~~23 § 9405. Termination of parental rights: child at least one year  
24 of age.~~

~~25 If a child is at least one year of age, an individual seeking  
26 to adopt or terminate parental rights to the child shall give  
27 notice of the proceeding to each alleged genetic father of the  
28 child, whether or not he has registered under section 9402(a)  
29 (relating to registration for notification), unless his parental  
30 rights have already been terminated. Notice must be given in a~~

1 ~~manner prescribed for service of process in a civil proceeding~~  
2 ~~in this State.~~

3 SUBCHAPTER B

4 OPERATION OF REGISTRY

5 Sec.

6 9406. Required form.

7 9407. Furnishing information; confidentiality.

8 9408. Penalty for releasing information.

9 9409. Rescission of registration.

10 9410. Untimely registration.

11 9411. Fees for registry.

12 § 9406. Required form.

13 (a) Contents. The Department of Health shall prescribe a  
14 form for registering under section 9402(a) (relating to  
15 registration for notification). The form must state that:

16 (1) the man who registers signs the form under penalty  
17 of perjury;

18 (2) timely registration entitles the man who registers  
19 to notice of a proceeding for adoption of the child or  
20 termination of the parental rights of the man;

21 (3) timely registration does not commence a proceeding  
22 to establish parentage;

23 (4) the information disclosed on the form may be used  
24 against the man who registers to establish parentage;

25 (5) services to assist in establishing parentage are  
26 available to the man who registers through a domestic  
27 relations section of a court or the Department of Health;

28 (6) the man who registers also may register in a  
29 registry of paternity in another state if conception or birth  
30 of the child occurred in the other state;

1 ~~(7) information on registries of paternity of other~~  
2 ~~states is available from the Department of Health; and~~

3 ~~(8) procedures exist to rescind the registration.~~

4 ~~(b) Penalty. A man who registers under section 9402(a)~~  
5 ~~shall sign the form described in subsection (a) under penalty of~~  
6 ~~perjury.~~

7 ~~§ 9407. Furnishing information; confidentiality.~~

8 ~~(a) Duty of Department of Health. The Department of Health~~  
9 ~~is not required to seek to locate the woman who gave birth to~~  
10 ~~the child who is the subject of a registration under section~~  
11 ~~9402(a) (relating to registration for notification), but the~~  
12 ~~Department of Health shall give notice of the registration to~~  
13 ~~the woman if the Department of Health has her address.~~

14 ~~(b) Access to confidential information. Information~~  
15 ~~contained in the registry of paternity established by section~~  
16 ~~9401 (relating to establishment of registry) is confidential and~~  
17 ~~may be released on request only to:~~

18 ~~(1) a court or individual designated by the court;~~

19 ~~(2) the woman who gave birth to the child who is the~~  
20 ~~subject of the registration;~~

21 ~~(3) an agency authorized by Federal law, the law of this~~  
22 ~~State other than this part or the law of another state to~~  
23 ~~receive the information;~~

24 ~~(4) a licensed child placing agency;~~

25 ~~(5) a child support agency;~~

26 ~~(6) a party or the party's attorney of record in a~~  
27 ~~proceeding under this part or in a proceeding to adopt or~~  
28 ~~terminate parental rights to the child who is the subject of~~  
29 ~~the registration; and~~

30 ~~(7) a registry of paternity in another state.~~

1 ~~§ 9408. Penalty for releasing information.~~

2 ~~An individual who intentionally releases information from the~~  
3 ~~registry of paternity established by section 9401 (relating to~~  
4 ~~establishment of registry) to an individual or agency not~~  
5 ~~authorized under section 9407(b) (relating to furnishing~~  
6 ~~information; confidentiality) to receive the information commits~~  
7 ~~a misdemeanor of the third degree.~~

8 ~~§ 9409. Rescission of registration.~~

9 ~~A man who registers under section 9402(a) (relating to~~  
10 ~~registration for notification) may rescind his registration at~~  
11 ~~any time by filing with the registry of paternity established by~~  
12 ~~section 9401 (relating to establishment of registry) a~~  
13 ~~rescission in a signed record that is attested by a notarial~~  
14 ~~officer or witnessed.~~

15 ~~§ 9410. Untimely registration.~~

16 ~~If a man registers under section 9402(a) (relating to~~  
17 ~~registration for notification) more than 30 days after the birth~~  
18 ~~of the child, the Department of Health shall notify the man who~~  
19 ~~registers that, based on a review of the registration, the~~  
20 ~~registration was not filed timely.~~

21 ~~§ 9411. Fees for registry.~~

22 ~~(a) Registration fee prohibited. The Department of Health~~  
23 ~~may not charge a fee for filing a registration under section~~  
24 ~~9402(a) (relating to registration for notification) or~~  
25 ~~rescission of registration under section 9409 (relating to~~  
26 ~~rescission of registration).~~

27 ~~(b) Search and certification fees permitted. Except as~~  
28 ~~otherwise provided in subsection (c), the Department of Health~~  
29 ~~may charge a reasonable fee to search the registry of paternity~~  
30 ~~established by section 9401 (relating to establishment of~~

~~registry) and for furnishing a certificate of search under  
section 9414 (relating to certificate of search of registry).~~

~~(c) Exemption. The domestic relations section of a court is  
not required to pay a fee authorized by subsection (b).~~

#### SUBCHAPTER C

#### SEARCH OF REGISTRY

~~Sec.~~

~~9412. Child born through assisted reproduction: search of  
registry inapplicable.~~

~~9413. Search of appropriate registry.~~

~~9414. Certificate of search of registry.~~

~~9415. Admissibility of registered information.~~

~~§ 9412. Child born through assisted reproduction: search of  
registry inapplicable.~~

~~This subchapter does not apply to a child born through  
assisted reproduction.~~

~~§ 9413. Search of appropriate registry.~~

~~If a parent child relationship has not been established under  
this part between a child who is under one year of age and an  
individual other than the woman who gave birth to the child:~~

~~(1) an individual seeking to adopt or terminate parental  
rights to the child shall obtain a certificate of search  
under section 9414 (relating to certificate of search of  
registry) to determine if a registration has been filed in  
the registry of paternity established by section 9401  
(relating to establishment of registry) regarding the child;  
and~~

~~(2) if the individual has reason to believe that  
conception or birth of the child may have occurred in another  
state, the individual shall obtain a certificate of search~~

1 ~~from the registry of paternity, if any, in that state.~~

2 ~~§ 9414. Certificate of search of registry.~~

3 ~~(a) Duty to furnish. The Department of Health shall furnish~~  
4 ~~a certificate of search of the registry of paternity established~~  
5 ~~by section 9401 (relating to establishment of registry) on~~  
6 ~~request to an individual, court or agency identified in section~~  
7 ~~9407(b) (relating to furnishing information; confidentiality) or~~  
8 ~~an individual required under section 9413(1) (relating to search~~  
9 ~~of appropriate registry) to obtain a certificate.~~

10 ~~(b) Contents of certificate. A certificate furnished under~~  
11 ~~subsection (a):~~

12 ~~(1) must be signed on behalf of the Department of Health~~  
13 ~~and state that:~~

14 ~~(i) a search has been made of the registry; and~~

15 ~~(ii) a registration under section 9402(a) (relating~~  
16 ~~to registration for notification) containing the~~  
17 ~~information required to identify the man who registers:~~

18 ~~(A) has been found; or~~

19 ~~(B) has not been found; and~~

20 ~~(2) if paragraph (1)(ii)(A) applies, must have a copy of~~  
21 ~~the registration attached.~~

22 ~~(c) Individuals required to file certificate. An individual~~  
23 ~~seeking to adopt or terminate parental rights to a child must~~  
24 ~~file with the court the certificate of search furnished under~~  
25 ~~subsection (a) and section 9413(2) (relating to search of~~  
26 ~~appropriate registry), if applicable, before a proceeding to~~  
27 ~~adopt or terminate parental rights to the child may be~~  
28 ~~concluded.~~

29 ~~§ 9415. Admissibility of registered information.~~

30 ~~A certificate of search of a registry of paternity in this~~

~~1 State or another state is admissible in a proceeding for~~  
~~2 adoption or termination of parental rights to a child and, if~~  
~~3 relevant, in other legal proceedings.~~

~~4 CHAPTER 95~~

~~5 GENETIC TESTING~~

~~6 Sec.~~

~~7 9501. Definitions.~~

~~8 9502. Scope of chapter; limitation on use of genetic testing.~~

~~9 9503. Authority to order or deny genetic testing.~~

~~10 9504. Requirements for genetic testing.~~

~~11 9505. Report of genetic testing.~~

~~12 9506. Genetic testing results; challenge to results.~~

~~13 9507. Cost of genetic testing.~~

~~14 9508. Additional genetic testing.~~

~~15 9509. Genetic testing when specimen not available.~~

~~16 9510. Deceased individual.~~

~~17 9511. Identical siblings.~~

~~18 9512. Confidentiality of genetic testing.~~

~~19 § 9501. Definitions.~~

~~20 The following words and phrases when used in this chapter~~  
~~21 shall have the meanings given to them in this section unless the~~  
~~22 context clearly indicates otherwise:~~

~~23 "Combined relationship index." The product of all tested~~  
~~24 relationship indices.~~

~~25 "Ethnic or racial group." For the purpose of genetic~~  
~~26 testing, a recognized group that an individual identifies as the~~  
~~27 individual's ancestry or part of the ancestry or that is~~  
~~28 identified by other information.~~

~~29 "Hypothesized genetic relationship." An asserted genetic~~  
~~30 relationship between an individual and a child.~~

1 ~~"Probability of parentage." For the ethnic or racial group~~  
2 ~~to which an individual alleged to be a parent belongs, the~~  
3 ~~probability that a hypothesized genetic relationship is~~  
4 ~~supported, compared to the probability that a genetic~~  
5 ~~relationship is supported between the child and a random~~  
6 ~~individual of the ethnic or racial group used in the~~  
7 ~~hypothesized genetic relationship, expressed as a percentage~~  
8 ~~incorporating the combined relationship index and a prior~~  
9 ~~probability.~~

10 ~~"Relationship index." A likelihood ratio that compares the~~  
11 ~~probability of a genetic marker given a hypothesized genetic~~  
12 ~~relationship and the probability of the genetic marker given a~~  
13 ~~genetic relationship between the child and a random individual~~  
14 ~~of the ethnic or racial group used in the hypothesized genetic~~  
15 ~~relationship.~~

16 ~~§ 9502. Scope of chapter; limitation on use of genetic testing.~~

17 ~~(a) General rule. This chapter governs genetic testing of~~  
18 ~~an individual in a proceeding to adjudicate parentage, whether~~  
19 ~~the individual:~~

20 ~~(1) voluntarily submits to testing; or~~

21 ~~(2) is tested under an order of the court or a child~~  
22 ~~support agency.~~

23 ~~(b) Prohibited uses. Genetic testing may not be used:~~

24 ~~(1) to challenge the parentage of an individual who is a~~  
25 ~~parent under Chapter 97 (relating to assisted reproduction)~~  
26 ~~or 98 (relating to surrogacy agreement); or~~

27 ~~(2) to establish the parentage of an individual who is a~~  
28 ~~donor.~~

29 ~~§ 9503. Authority to order or deny genetic testing.~~

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



~~chapter or Chapter 96 (relating to proceeding to adjudicate parentage), in a proceeding under this part to determine parentage, the court shall order the child and any other individual to submit to genetic testing if a request for testing is supported by the sworn statement of a party:~~

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

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

~~(b) When permitted. The domestic relations section of a court may order genetic testing only if there is no presumed, acknowledged or adjudicated parent of a child other than the woman who gave birth to the child.~~

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

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

~~(e) Women subject to genetic testing. Genetic testing of a woman who gave birth to a child is not a condition precedent to testing of the child and an individual whose genetic parentage of the child is being determined. If the woman is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each individual whose genetic parentage of the child is being adjudicated.~~

~~(f) Discretion to deny motion. In a proceeding to adjudicate the parentage of a child having a presumed parent or an individual who claims to be a parent under section 9609 (relating to adjudicating claim of de facto parentage of child),~~

1 ~~or to challenge an acknowledgment of parentage, the court may~~  
2 ~~deny a motion for genetic testing of the child and any other~~  
3 ~~individual after considering the factors in section 9613(a) and~~  
4 ~~(b) (relating to adjudicating competing claims of parentage).~~

5 ~~(g) Conditions requiring denial of motion. If an individual~~  
6 ~~requesting genetic testing is barred under Chapter 96 from~~  
7 ~~establishing the individual's parentage, the court shall deny~~  
8 ~~the request for genetic testing.~~

9 ~~(h) Enforcement. An order under this section for genetic~~  
10 ~~testing is enforceable by contempt.~~

11 ~~§ 9504. Requirements for genetic testing.~~

12 ~~(a) Types authorized. Genetic testing must be of a type~~  
13 ~~reasonably relied on by experts in the field of genetic testing~~  
14 ~~and performed in a testing laboratory accredited by:~~

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

17 ~~(2) an accrediting body designated by the Secretary of~~  
18 ~~the United States Department of Health and Human Services.~~

19 ~~(b) Specimens. A specimen used in genetic testing may~~  
20 ~~consist of a sample or a combination of samples of blood, buccal~~  
21 ~~cells, bone, hair or other body tissue or fluid. The specimen~~  
22 ~~used in the testing need not be of the same kind for each~~  
23 ~~individual undergoing genetic testing.~~

24 ~~(c) Calculation of relationship index. Based on the ethnic~~  
25 ~~or racial group of an individual undergoing genetic testing, a~~  
26 ~~testing laboratory shall determine the databases from which to~~  
27 ~~select frequencies for use in calculating a relationship index.~~  
28 ~~If an individual or a child support agency objects to the~~  
29 ~~laboratory's choice, the following rules apply:~~

30 ~~(1) Not later than 30 days after receipt of the report~~

~~of the test, the objecting individual or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.~~

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

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

~~(ii) engage another laboratory to perform the calculations.~~

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

~~(d) Discretion to require additional genetic testing. If, after recalculation of the relationship index under subsection (c) using a different ethnic or racial group, genetic testing under section 9506 (relating to genetic testing results; challenge to results) does not identify an individual as a genetic parent of a child, the court may require an individual who has been tested to submit to additional genetic testing to identify a genetic parent.~~

~~§ 9505. Report of genetic testing.~~

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

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

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

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

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

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

~~(5) the date each specimen was received.~~

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

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

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

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

~~(b) When challenge permitted. An individual identified under subsection (a) as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of this chapter which:~~

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

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

~~(i) the woman who gave birth to the child; or  
(ii) the individual identified under subsection (a).~~

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

~~§ 9507. Cost of genetic testing.~~

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

~~(1) by a child support agency in a proceeding in which the domestic relations section of a court provides services;~~

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

~~(3) as agreed by the parties; or~~

~~(4) as ordered by the court.~~

~~(b) Reimbursement authorized. If the cost of genetic testing is paid by the domestic relations section of a court, the domestic relations section may seek reimbursement from the genetic parent whose parent child relationship is established.~~

~~§ 9508. Additional genetic testing.~~

~~The court or domestic relations section of a court shall order additional genetic testing on request of an individual who contests the result of the initial testing under section 9506 (relating to genetic testing results; challenge to results). If initial genetic testing under section 9506 identifies an~~

~~1 individual as a genetic parent of the child, the court or agency  
2 may not order additional testing unless the contesting  
3 individual pays for the testing in advance.~~

~~4 § 9509. Genetic testing when specimen not available.~~

~~5 (a) Individuals subject to. Subject to subsection (b), if a  
6 genetic testing specimen is not available from an alleged  
7 genetic parent of a child, an individual seeking genetic testing  
8 demonstrates good cause and the court finds that the  
9 circumstances are just, the court may order any of the following  
10 individuals to submit specimens for genetic testing:~~

~~11 (1) a parent of the alleged genetic parent;~~

~~12 (2) a sibling of the alleged genetic parent;~~

~~13 (3) another child of the alleged genetic parent and the  
14 woman who gave birth to the other child; and~~

~~15 (4) another relative of the alleged genetic parent  
16 necessary to complete genetic testing.~~

~~17 (b) Balancing test. To issue an order under this section,  
18 the court must find that a need for genetic testing outweighs  
19 the legitimate interests of the individual sought to be tested.~~

~~20 § 9510. Deceased individual.~~

~~21 If an individual seeking genetic testing demonstrates good  
22 cause, the court may order genetic testing of a deceased  
23 individual.~~

~~24 § 9511. Identical siblings.~~

~~25 (a) General rule. If the court finds there is reason to  
26 believe that an alleged genetic parent has an identical sibling  
27 and evidence that the sibling may be a genetic parent of the  
28 child, the court may order genetic testing of the sibling.~~

~~29 (b) Nongenetic evidence. If more than one sibling is  
30 identified under section 9506 (relating to genetic testing~~

1 ~~results; challenge to results) as a genetic parent of the child,~~  
2 ~~the court may rely on nongenetic evidence to adjudicate which~~  
3 ~~sibling is a genetic parent of the child.~~

4 ~~§ 9512. Confidentiality of genetic testing.~~

5 ~~(a) General rule. Release of a report of genetic testing~~  
6 ~~for parentage is controlled by the law of this State other than~~  
7 ~~this part.~~

8 ~~(b) Penalty. An individual who intentionally releases an~~  
9 ~~identifiable specimen of another individual collected for~~  
10 ~~genetic testing under this chapter for a purpose not relevant to~~  
11 ~~a proceeding regarding parentage, without a court order or~~  
12 ~~written permission of the individual who furnished the specimen,~~  
13 ~~commits a misdemeanor of the third degree.~~

14 ~~CHAPTER 96~~

15 ~~PROCEEDING TO ADJUDICATE PARENTAGE~~

16 ~~Subchapter~~

17 ~~A. Nature of Proceeding~~

18 ~~B. Special Rules for Proceeding to Adjudicate Parentage~~

19 ~~C. Hearing and Adjudication~~

20 ~~SUBCHAPTER A~~

21 ~~NATURE OF PROCEEDING~~

22 ~~Sec.~~

23 ~~9601. Proceeding authorized.~~

24 ~~9602. Standing to maintain proceeding.~~

25 ~~9603. Notice of proceeding.~~

26 ~~9604. Personal jurisdiction.~~

27 ~~9605. Venue.~~

28 ~~§ 9601. Proceeding authorized.~~

29 ~~(a) General rule. A proceeding may be commenced to~~  
30 ~~adjudicate the parentage of a child. Except as otherwise~~

1 ~~provided in this part, the proceeding is governed by the~~  
2 ~~Pennsylvania Rules of Civil Procedure.~~

3 ~~(b) Exception. A proceeding to adjudicate the parentage of~~  
4 ~~a child born under a surrogacy agreement is governed by Chapter~~  
5 ~~98 (relating to surrogacy agreement).~~

6 ~~§ 9602. Standing to maintain proceeding.~~

7 ~~Except as otherwise provided in Chapter 93 (relating to~~  
8 ~~voluntary acknowledgment of parentage) and sections 9608~~  
9 ~~(relating to adjudicating parentage of child with presumed~~  
10 ~~parent), 9609 (relating to adjudicating claim of de facto~~  
11 ~~parentage of child), 9610 (relating to adjudicating parentage of~~  
12 ~~child with acknowledged parent) and 9611 (relating to~~  
13 ~~adjudicating parentage of child with adjudicated parent), a~~  
14 ~~proceeding to adjudicate parentage may be maintained by:~~

15 ~~(1) the child;~~

16 ~~(2) the woman who gave birth to the child, unless a~~  
17 ~~court has adjudicated that she is not a parent;~~

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

19 ~~(4) an individual whose parentage of the child is to be~~  
20 ~~adjudicated;~~

21 ~~(5) the domestic relations section of a court;~~

22 ~~(6) an adoption agency authorized by the law of this~~  
23 ~~State other than this part or a licensed child placement~~  
24 ~~agency; or~~

25 ~~(7) a representative authorized by the law of this State~~  
26 ~~other than this part to act for an individual who otherwise~~  
27 ~~would be entitled to maintain a proceeding but is deceased,~~  
28 ~~incapacitated or a minor.~~

29 ~~§ 9603. Notice of proceeding.~~

30 ~~(a) Individuals entitled to notice. The petitioner shall~~



1 ~~give notice of a proceeding to adjudicate parentage to the~~  
2 ~~following individuals:~~

3 ~~(1) the woman who gave birth to the child, unless a~~  
4 ~~court has adjudicated that she is not a parent;~~

5 ~~(2) an individual who is a parent of the child under~~  
6 ~~this part;~~

7 ~~(3) a presumed, acknowledged or adjudicated parent of~~  
8 ~~the child; and~~

9 ~~(4) an individual whose parentage of the child will be~~  
10 ~~adjudicated.~~

11 ~~(b) Right to intervene. An individual entitled to notice~~  
12 ~~under subsection (a) has a right to intervene in the proceeding.~~

13 ~~(c) Effect of lack of notice. Lack of notice required by~~  
14 ~~subsection (a) does not render a judgment void. Lack of notice~~  
15 ~~does not preclude an individual entitled to notice under~~  
16 ~~subsection (a) from bringing a proceeding under section 9611(b)~~  
17 ~~(relating to adjudicating parentage of child with adjudicated~~  
18 ~~parent).~~

19 ~~§ 9604. Personal jurisdiction.~~

20 ~~(a) General rule. The court may adjudicate an individual's~~  
21 ~~parentage of a child only if the court has personal jurisdiction~~  
22 ~~over the individual.~~

23 ~~(b) Nonresidents, guardians and conservators. A court of~~  
24 ~~this State with jurisdiction to adjudicate parentage may~~  
25 ~~exercise personal jurisdiction over a nonresident individual, or~~  
26 ~~the guardian or conservator of the individual, if the conditions~~  
27 ~~prescribed in section 7201 (relating to bases for jurisdiction~~  
28 ~~over nonresident) are satisfied.~~

29 ~~(c) Multiple individuals. Lack of jurisdiction over one~~  
30 ~~individual does not preclude the court from making an~~

1 ~~adjudication of parentage binding on another individual.~~

2 ~~§ 9605. Venue.~~

3 ~~Venue for a proceeding to adjudicate parentage is in the~~  
4 ~~county of this State in which:~~

5 ~~(1) the child resides or is located;~~

6 ~~(2) if the child does not reside in this State, the~~  
7 ~~respondent resides or is located; or~~

8 ~~(3) a proceeding has been commenced for administration~~  
9 ~~of the estate of an individual who is or may be a parent~~  
10 ~~under this part.~~

11 SUBCHAPTER B

12 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

13 Sec.

14 ~~9606. Admissibility of results of genetic testing.~~

15 ~~9607. Adjudicating parentage of child with alleged genetic~~  
16 ~~parent.~~

17 ~~9608. Adjudicating parentage of child with presumed parent.~~

18 ~~9609. Adjudicating claim of de facto parentage of child.~~

19 ~~9610. Adjudicating parentage of child with acknowledged parent.~~

20 ~~9611. Adjudicating parentage of child with adjudicated parent.~~

21 ~~9612. Adjudicating parentage of child of assisted reproduction.~~

22 ~~9613. Adjudicating competing claims of parentage.~~

23 ~~9614. Precluding establishment of parentage by perpetrator of~~  
24 ~~sexual assault.~~

25 ~~§ 9606. Admissibility of results of genetic testing.~~

26 ~~(a) General rule. Except as otherwise provided in section~~  
27 ~~9502(b) (relating to scope of chapter; limitation on use of~~  
28 ~~genetic testing), the court shall admit a report of genetic~~  
29 ~~testing ordered by the court under section 9503 (relating to~~  
30 ~~authority to order or deny genetic testing) as evidence of the~~

1 ~~truth of the facts asserted in the report.~~

2 ~~(b) Objection. A party may object to the admission of a~~  
3 ~~report described in subsection (a) not later than 14 days after~~  
4 ~~the party receives the report. The party shall cite specific~~  
5 ~~grounds for exclusion.~~

6 ~~(c) Expert testimony. A party that objects to the results~~  
7 ~~of genetic testing may call a genetic testing expert to testify~~  
8 ~~in person or by another method approved by the court. Unless the~~  
9 ~~court orders otherwise, the party offering the testimony bears~~  
10 ~~the expense for the expert testifying.~~

11 ~~(d) Factors not affecting admissibility. Admissibility of a~~  
12 ~~report of genetic testing is not affected by whether the testing~~  
13 ~~was performed:~~

14 ~~(1) voluntarily or under an order of the court or the~~  
15 ~~domestic relations section of a court; or~~

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

17 ~~§ 9607. Adjudicating parentage of child with alleged genetic~~  
18 ~~parent.~~

19 ~~(a) General rule. A proceeding to determine whether an~~  
20 ~~alleged genetic parent who is not a presumed parent is a parent~~  
21 ~~of a child may be commenced:~~

22 ~~(1) before the child becomes an adult; or~~

23 ~~(2) after the child becomes an adult, but only if the~~  
24 ~~child initiates the proceeding.~~

25 ~~(b) Woman who gave birth with sole claim. Except as~~  
26 ~~otherwise provided in section 9614 (relating to precluding~~  
27 ~~establishment of parentage by perpetrator of sexual assault),~~  
28 ~~this subsection applies in a proceeding described in subsection~~  
29 ~~(a) if the woman who gave birth to the child is the only other~~  
30 ~~individual with a claim to parentage of the child. The court~~

1 ~~shall adjudicate an alleged genetic parent to be a parent of the~~  
2 ~~child if the alleged genetic parent:~~

3 ~~(1) is identified under section 9506 (relating to~~  
4 ~~genetic testing results; challenge to results) as a genetic~~  
5 ~~parent of the child and the identification is not~~  
6 ~~successfully challenged under section 9506;~~

7 ~~(2) admits parentage in a pleading, when making an~~  
8 ~~appearance or during a hearing, the court accepts the~~  
9 ~~admission, and the court determines the alleged genetic~~  
10 ~~parent to be a parent of the child;~~

11 ~~(3) declines to submit to genetic testing ordered by the~~  
12 ~~court or a child support agency, in which case the court may~~  
13 ~~adjudicate the alleged genetic parent to be a parent of the~~  
14 ~~child even if the alleged genetic parent denies a genetic~~  
15 ~~relationship with the child;~~

16 ~~(4) is in default after service of process and the court~~  
17 ~~determines the alleged genetic parent to be a parent of the~~  
18 ~~child; or~~

19 ~~(5) is neither identified nor excluded as a genetic~~  
20 ~~parent by genetic testing and, based on other evidence, the~~  
21 ~~court determines the alleged genetic parent to be a parent of~~  
22 ~~the child.~~

23 ~~(c) Multiple individuals with claims. Except as otherwise~~  
24 ~~provided in section 9614 and subject to other limitations in~~  
25 ~~this chapter, if in a proceeding involving an alleged genetic~~  
26 ~~parent at least one other individual in addition to the woman~~  
27 ~~who gave birth to the child has a claim to parentage of the~~  
28 ~~child, the court shall adjudicate parentage under section 9613~~  
29 ~~(relating to adjudicating competing claims of parentage).~~

30 ~~§ 9608. Adjudicating parentage of child with presumed parent.~~

1 ~~(a) Time period for commencing. A proceeding to determine~~  
2 ~~whether a presumed parent is a parent of a child may be~~  
3 ~~commenced:~~

4 ~~(1) before the child becomes an adult; or~~

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

7 ~~(b) Effect of presumption of parentage. A presumption of~~  
8 ~~parentage under section 9204 (relating to presumption of~~  
9 ~~parentage) cannot be overcome after the child attains two years~~  
10 ~~of age unless the court determines:~~

11 ~~(1) that the presumed parent is not a genetic parent,~~  
12 ~~never resided with the child and never held out the child as~~  
13 ~~the presumed parent's child; or~~

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

15 ~~(c) Woman who gave birth with sole claim. Except as~~  
16 ~~otherwise provided in section 9614 (relating to precluding~~  
17 ~~establishment of parentage by perpetrator of sexual assault),~~  
18 ~~the following rules apply in a proceeding to adjudicate a~~  
19 ~~presumed parent's parentage of a child if the woman who gave~~  
20 ~~birth to the child is the only other individual with a claim to~~  
21 ~~parentage of the child:~~

22 ~~(1) If no party to the proceeding challenges the~~  
23 ~~presumed parent's parentage of the child, the court shall~~  
24 ~~adjudicate the presumed parent to be a parent of the child.~~

25 ~~(2) If the presumed parent is identified under section~~  
26 ~~9506 (relating to genetic testing results; challenge to~~  
27 ~~results) as a genetic parent of the child and that~~  
28 ~~identification is not successfully challenged under section~~  
29 ~~9506, the court shall adjudicate the presumed parent to be a~~  
30 ~~parent of the child.~~

1       ~~(3) If the presumed parent is not identified under~~  
2 ~~section 9506 as a genetic parent of the child and the~~  
3 ~~presumed parent or the woman who gave birth to the child~~  
4 ~~challenges the presumed parent's parentage of the child, the~~  
5 ~~court shall adjudicate the parentage of the child in the best~~  
6 ~~interest of the child based on the factors under section~~  
7 ~~9613(a) and (b) (relating to adjudicating competing claims of~~  
8 ~~parentage).~~

9       ~~(d) Multiple individuals with claims. Except as otherwise~~  
10 ~~provided in section 9614 and subject to other limitations in~~  
11 ~~this chapter, if in a proceeding to adjudicate a presumed~~  
12 ~~parent's parentage of a child another individual in addition to~~  
13 ~~the woman who gave birth to the child asserts a claim to~~  
14 ~~parentage of the child, the court shall adjudicate parentage~~  
15 ~~under section 9613.~~

16 ~~§ 9609. Adjudicating claim of de facto parentage of child.~~

17       ~~(a) Individuals entitled to commence proceeding. A~~  
18 ~~proceeding to establish parentage of a child under this section~~  
19 ~~may be commenced only by an individual who:~~

20           ~~(1) is alive when the proceeding is commenced; and~~

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

22       ~~(b) Time period for commencing. An individual who claims to~~  
23 ~~be a de facto parent of a child must commence a proceeding to~~  
24 ~~establish parentage of a child under this section:~~

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

26           ~~(2) while the child is alive.~~

27       ~~(c) Standing. The following rules govern standing of an~~  
28 ~~individual who claims to be a de facto parent of a child to~~  
29 ~~maintain a proceeding under this section:~~

30           ~~(1) The individual must file an initial verified~~

~~pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.~~

~~(2) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (1). A responsive pleading must be verified and must be served on parties to the proceeding.~~

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

~~(d) Individual with sole claim. In a proceeding to 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;~~

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

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

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

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

10 ~~(c) Multiple individuals with claims. Subject to other~~  
11 ~~limitations in this chapter, if in a proceeding to adjudicate~~  
12 ~~parentage of an individual who claims to be a de facto parent of~~  
13 ~~the child there is more than one other individual who is a~~  
14 ~~parent or has a claim to parentage of the child and the court~~  
15 ~~determines that the requirements of subsection (d) are~~  
16 ~~satisfied, the court shall adjudicate parentage under section~~  
17 ~~9613 (relating to adjudicating competing claims of parentage).~~  
18 ~~§ 9610. Adjudicating parentage of child with acknowledged~~  
19 ~~parent.~~

20 ~~(a) General rule. If a child has an acknowledged parent, a~~  
21 ~~proceeding to challenge the acknowledgment of parentage or a~~  
22 ~~denial of parentage brought by a signatory to the acknowledgment~~  
23 ~~or denial is governed by sections 9309 (relating to challenge~~  
24 ~~after expiration of period for rescission) and 9310 (relating to~~  
25 ~~procedure for challenge by signatory).~~

26 ~~(b) Procedure. If a child has an acknowledged parent, the~~  
27 ~~following rules apply in a proceeding to challenge the~~  
28 ~~acknowledgment of parentage or a denial of parentage brought by~~  
29 ~~an individual, other than the child, who has standing under~~  
30 ~~section 9602 (relating to standing to maintain proceeding) and~~



1 ~~was not a signatory to the acknowledgment or denial:~~

2 ~~(1) The individual must commence the proceeding not~~  
3 ~~later than two years after the effective date of the~~  
4 ~~acknowledgment.~~

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

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

11 ~~§ 9611. Adjudicating parentage of child with adjudicated~~  
12 ~~parent.~~

13 ~~(a) General rule. If a child has an adjudicated parent, a~~  
14 ~~proceeding to challenge the adjudication, brought by an~~  
15 ~~individual who was a party to the adjudication or received~~  
16 ~~notice under section 9603 (relating to notice of proceeding), is~~  
17 ~~governed by the rules governing a collateral attack on a~~  
18 ~~judgment.~~

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

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

28 ~~(2) The court may permit the proceeding only if the~~  
29 ~~court finds that permitting the proceeding is in the best~~  
30 ~~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 woman 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 woman who gave birth to the child is a parent under Chapter 97, the court shall adjudicate the individual's parentage of the child under section 9613 (relating to adjudicating competing claims of parentage).~~

~~§ 9613. Adjudicating competing claims of parentage.~~

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

~~(1) the age of the child;~~

~~(2) the length of time during which each individual~~

1 ~~assumed the role of parent of the child;~~

2 ~~(3) the nature of the relationship between the child and~~  
3 ~~each individual;~~

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

6 ~~(5) the basis for each individual's claim to parentage~~  
7 ~~of the child; and~~

8 ~~(6) other equitable factors arising from the disruption~~  
9 ~~of the relationship between the child and each individual or~~  
10 ~~the likelihood of other harm to the child.~~

11 ~~(b) Factors to be considered. If an individual challenges~~  
12 ~~parentage based on the results of genetic testing, in addition~~  
13 ~~to the factors listed in subsection (a), the court shall~~  
14 ~~consider:~~

15 ~~(1) the facts surrounding the discovery that the~~  
16 ~~individual might not be a genetic parent of the child; and~~

17 ~~(2) the length of time between the time that the~~  
18 ~~individual was placed on notice that the individual might not~~  
19 ~~be a genetic parent and the commencement of the proceeding.~~

20 ~~(c) Adjudication of more than two parents. The court may~~  
21 ~~adjudicate a child to have more than two parents under this part~~  
22 ~~if the court finds that failure to recognize more than two~~  
23 ~~parents would be detrimental to the child. A finding of~~  
24 ~~detriment to the child does not require a finding of unfitness~~  
25 ~~of any parent or individual seeking an adjudication of~~  
26 ~~parentage. In determining detriment to the child, the court~~  
27 ~~shall consider all relevant factors, including the harm if the~~  
28 ~~child is removed from a stable placement with an individual who~~  
29 ~~has fulfilled the child's physical needs and psychological needs~~  
30 ~~for care and affection and has assumed the role for a~~

1 ~~substantial period.~~

2 ~~§ 9614. Precluding establishment of parentage by perpetrator of~~  
3 ~~sexual assault.~~

4 ~~(a) Definition. In this section, "sexual assault" means the~~  
5 ~~offense under 18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

6 ~~(b) General rule. In a proceeding in which a woman alleges~~  
7 ~~that a man committed a sexual assault that resulted in the woman~~  
8 ~~giving birth to a child, the woman may seek to preclude the man~~  
9 ~~from establishing that he is a parent of the child.~~

10 ~~(c) Nonapplicability. This section does not apply if:~~

11 ~~(1) the man described in subsection (b) has previously~~  
12 ~~been adjudicated to be a parent of the child; or~~

13 ~~(2) after the birth of the child, the man established a~~  
14 ~~bonded and dependent relationship with the child which is~~  
15 ~~parental in nature.~~

16 ~~(d) Limitation. Unless section 9309 (relating to challenge~~  
17 ~~after expiration of period for rescission) or 9607 (relating to~~  
18 ~~adjudicating parentage of child with alleged genetic parent)~~  
19 ~~applies, a woman must file a pleading making an allegation under~~  
20 ~~subsection (b) not later than two years after the birth of the~~  
21 ~~child. The woman may file the pleading only in a proceeding to~~  
22 ~~establish parentage under this part.~~

23 ~~(e) Evidentiary standard. An allegation under subsection~~  
24 ~~(b) may be proved by:~~

25 ~~(1) evidence that the man was convicted of a sexual~~  
26 ~~assault, or a comparable crime in another jurisdiction,~~  
27 ~~against the woman and the child was born not later than 300~~  
28 ~~days after the sexual assault; or~~

29 ~~(2) clear and convincing evidence that the man committed~~  
30 ~~sexual assault against the woman, and the child was born not~~

1 ~~later than 300 days after the sexual assault.~~

2 ~~(f) Duty of court. Subject to subsections (a), (b), (c) and~~  
3 ~~(d), if the court determines that an allegation has been proven~~  
4 ~~under subsection (e), the court shall:~~

5 ~~(1) adjudicate that the man described in subsection (b)~~  
6 ~~is not a parent of the child;~~

7 ~~(2) require the Bureau of Vital Statistics to amend the~~  
8 ~~birth certificate if requested by the woman and the court~~  
9 ~~determines that the amendment is in the best interest of the~~  
10 ~~child; and~~

11 ~~(3) require the man pay to child support, birth related~~  
12 ~~costs or both, unless the woman requests otherwise and the~~  
13 ~~court determines that granting the request is in the best~~  
14 ~~interest of the child.~~

15 SUBCHAPTER C

16 HEARING AND ADJUDICATION

17 Sec.

18 9615. Temporary order.

19 9616. Combining proceedings.

20 9617. Proceeding before birth.

21 9618. Child as party; representation.

22 9619. Court to adjudicate parentage.

23 9620. Hearing; inspection of records.

24 9621. Dismissal for want of prosecution.

25 9622. Order adjudicating parentage.

26 9623. Binding effect of determination of parentage.

27 § 9615. Temporary order.

28 ~~(a) General rule. In a proceeding under this chapter, the~~  
29 ~~court may issue a temporary order for child support if the order~~  
30 ~~is consistent with the law of this State other than this part~~

1 ~~and the individual ordered to pay support is:~~

2 ~~(1) a presumed parent of the child;~~

3 ~~(2) petitioning to be adjudicated a parent;~~

4 ~~(3) identified as a genetic parent through genetic~~  
5 ~~testing under section 9506 (relating to genetic testing~~  
6 ~~results; challenge to results);~~

7 ~~(4) an alleged genetic parent who has declined to submit~~  
8 ~~to genetic testing;~~

9 ~~(5) shown by clear and convincing evidence to be a~~  
10 ~~parent of the child; or~~

11 ~~(6) a parent under this part.~~

12 ~~(b) Custody and visitation provisions. A temporary order~~  
13 ~~may include a provision for custody and visitation under the law~~  
14 ~~of this State other than this part.~~

15 ~~§ 9616. Combining proceedings.~~

16 ~~(a) General rule. Except as otherwise provided in~~  
17 ~~subsection (b), the court may combine a proceeding to adjudicate~~  
18 ~~parentage under this part with a proceeding for adoption,~~  
19 ~~termination of parental rights, child custody or visitation,~~  
20 ~~child support, divorce, dissolution or annulment administration~~  
21 ~~of an estate or another appropriate proceeding.~~

22 ~~(b) Prohibition. A respondent may not combine a proceeding~~  
23 ~~described in subsection (a) with a proceeding to adjudicate~~  
24 ~~parentage brought under Part VIII (relating to uniform~~  
25 ~~interstate family support).~~

26 ~~§ 9617. Proceeding before birth.~~

27 ~~Except as otherwise provided in Chapter 98 (relating to~~  
28 ~~surrogacy agreement), a proceeding to adjudicate parentage may~~  
29 ~~be commenced before the birth of the child and an order or~~  
30 ~~judgment may be entered before birth, but enforcement of the~~

1 ~~order or judgment must be stayed until the birth of the child.~~

2 ~~§ 9618. Child as party; representation.~~

3 ~~(a) Minor child as party. A minor child is a proper party~~  
4 ~~but not a necessary party to a proceeding under this chapter.~~

5 ~~(b) Representation of child. The court shall appoint an~~  
6 ~~attorney, guardian ad litem or similar person to represent a~~  
7 ~~child in a proceeding under this chapter if the court finds that~~  
8 ~~the interests of the child are not adequately represented.~~

9 ~~§ 9619. Court to adjudicate parentage.~~

10 ~~The court shall adjudicate parentage of a child without a~~  
11 ~~jury.~~

12 ~~§ 9620. Hearing; inspection of records.~~

13 ~~(a) Closure of proceeding. On request of a party and for~~  
14 ~~good cause, the court may close a proceeding under this chapter~~  
15 ~~to the public.~~

16 ~~(b) Final order and other documents. A final order in a~~  
17 ~~proceeding under this chapter is available for public~~  
18 ~~inspection. Other papers and records are available for public~~  
19 ~~inspection only with the consent of the parties or by court~~  
20 ~~order.~~

21 ~~§ 9621. Dismissal for want of prosecution.~~

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

26 ~~§ 9622. Order adjudicating parentage.~~

27 ~~(a) Identification of child. An order adjudicating~~  
28 ~~parentage must identify the child in a manner provided by the~~  
29 ~~law of this State other than this part.~~

30 ~~(b) Fees, costs and expenses. Except as otherwise provided~~

1 ~~in subsection (c), the court may assess filing fees, reasonable~~  
2 ~~attorney fees, fees for genetic testing, other costs and~~  
3 ~~necessary travel and other reasonable expenses incurred in a~~  
4 ~~proceeding under this chapter. Attorney fees awarded under this~~  
5 ~~subsection may be paid directly to the attorney and the attorney~~  
6 ~~may enforce the order in the attorney's own name.~~

7 ~~(c) Domestic relations sections. The court may not assess~~  
8 ~~fees, costs or expenses in a proceeding under this chapter~~  
9 ~~against the domestic relations section of a court of this State~~  
10 ~~or another state, except as provided by the law of this State~~  
11 ~~other than this part.~~

12 ~~(d) Admissibility of genetic testing and health care~~  
13 ~~bills. In a proceeding under this chapter, a copy of a bill for~~  
14 ~~genetic testing or prenatal or postnatal health care for the~~  
15 ~~woman who gave birth to the child and the child provided to the~~  
16 ~~adverse party not later than 10 days before a hearing is~~  
17 ~~admissible to establish:~~

18 ~~(1) the amount of the charge billed; and~~

19 ~~(2) that the charge is reasonable and necessary.~~

20 ~~(e) Child name changes. On request of a party and for good~~  
21 ~~cause, the court in a proceeding under this chapter may order~~  
22 ~~the name of the child changed. If the court order changing the~~  
23 ~~name varies from the name on the birth certificate of the child,~~  
24 ~~the court shall order the Bureau of Vital Statistics to issue an~~  
25 ~~amended birth certificate.~~

26 ~~§ 9623. Binding effect of determination of parentage.~~

27 ~~(a) General rule. Except as otherwise provided in~~  
28 ~~subsection (b):~~

29 ~~(1) a signatory to an acknowledgment of parentage or~~  
30 ~~denial of parentage is bound by the acknowledgment and denial~~



1 ~~as provided in Chapter 93 (relating to voluntary~~  
2 ~~acknowledgment of parentage); and~~

3 ~~(2) a party to an adjudication of parentage by a court~~  
4 ~~acting under circumstances that satisfy the jurisdiction~~  
5 ~~requirements of section 7201 (relating to bases for~~  
6 ~~jurisdiction over nonresident) and any individual who~~  
7 ~~received notice of the proceeding are bound by the~~  
8 ~~adjudication.~~

9 ~~(b) Children. A child is not bound by a determination of~~  
10 ~~parentage under this part unless:~~

11 ~~(1) the determination was based on an unrescinded~~  
12 ~~acknowledgment of parentage and the acknowledgment is~~  
13 ~~consistent with the results of genetic testing;~~

14 ~~(2) the determination was based on a finding consistent~~  
15 ~~with the results of genetic testing and the consistency is~~  
16 ~~declared in the determination or otherwise shown;~~

17 ~~(3) the determination of parentage was made under~~  
18 ~~Chapters 97 (relating to assisted reproduction) or 98~~  
19 ~~(relating to surrogacy agreement); or~~

20 ~~(4) the child was a party or was represented by an~~  
21 ~~attorney, guardian ad litem or similar person in the~~  
22 ~~proceeding.~~

23 ~~(c) Other proceedings. In a proceeding for divorce,~~  
24 ~~dissolution or annulment, the court is deemed to have made an~~  
25 ~~adjudication of parentage of a child if the court acts under~~  
26 ~~circumstances that satisfy the jurisdiction requirements of~~  
27 ~~section 7201 and the final order:~~

28 ~~(1) expressly identifies the child as a "child of the~~  
29 ~~marriage" or "issue of the marriage" or includes similar~~  
30 ~~words indicating that both spouses are parents of the child;~~

1 ~~or~~

2 ~~(2) provides for support of the child by a spouse unless~~  
3 ~~that spouse's parentage is disclaimed specifically in the~~  
4 ~~order.~~

5 ~~(d) Defense available to nonparties. Except as otherwise~~  
6 ~~provided in subsection (b) or section 9611 (relating to~~  
7 ~~adjudicating parentage of child with adjudicated parent), a~~  
8 ~~determination of parentage may be asserted as a defense in a~~  
9 ~~subsequent proceeding seeking to adjudicate parentage of an~~  
10 ~~individual who was not a party to the earlier proceeding.~~

11 ~~(e) Challenges to adjudication by parties. A party to an~~  
12 ~~adjudication of parentage may challenge the adjudication only~~  
13 ~~under the law of this State other than this part relating to~~  
14 ~~appeal, vacation of judgment or other judicial review.~~

15 CHAPTER 97

16 ASSISTED REPRODUCTION

17 Sec.

18 9701. Scope of chapter.

19 9702. Parental status of donor.

20 9703. Parentage of child of assisted reproduction.

21 9704. Consent to assisted reproduction.

22 9705. Limitation on spouse's dispute of parentage.

23 9706. Effect of certain legal proceedings regarding marriage.

24 9707. Withdrawal of consent.

25 9708. Parental status of deceased individual.

26 § 9701. Scope of chapter.

27 ~~This chapter does not apply to the birth of a child conceived~~  
28 ~~by sexual intercourse or assisted reproduction under a surrogacy~~  
29 ~~agreement under Chapter 98 (relating to surrogacy agreement).~~

30 § 9702. Parental status of donor.

1 ~~A donor is not a parent of a child conceived by assisted~~  
2 ~~reproduction.~~

3 ~~§ 9703. Parentage of child of assisted reproduction.~~

4 ~~An individual who consents under section 9704 (relating to~~  
5 ~~consent to assisted reproduction) to assisted reproduction by a~~  
6 ~~woman with the intent to be a parent of a child conceived by the~~  
7 ~~assisted reproduction is a parent of the child.~~

8 ~~§ 9704. Consent to assisted reproduction.~~

9 ~~(a) Record required. Except as otherwise provided in~~  
10 ~~subsection (b), the consent described in section 9703 (relating~~  
11 ~~to parentage of child of assisted reproduction) must be in a~~  
12 ~~record signed by a woman giving birth to a child conceived by~~  
13 ~~assisted reproduction and an individual who intends to be a~~  
14 ~~parent of the child.~~

15 ~~(b) Exception. Failure to consent in a record as required~~  
16 ~~by subsection (a) before, on or after birth of the child does~~  
17 ~~not preclude the court from finding consent to parentage if:~~

18 ~~(1) the woman or the individual proves by clear and~~  
19 ~~convincing evidence the existence of an express agreement~~  
20 ~~entered into before conception that the individual and the~~  
21 ~~woman intended they both would be parents of the child; or~~

22 ~~(2) the woman and the individual for the first two years~~  
23 ~~of the child's life, including any period of temporary~~  
24 ~~absence, resided together in the same household with the~~  
25 ~~child and both openly held out the child as the individual's~~  
26 ~~child, unless the individual dies or becomes incapacitated~~  
27 ~~before the child attains two years of age or the child dies~~  
28 ~~before the child attains two years of age, in which case the~~  
29 ~~court may find consent under this subsection to parentage if~~  
30 ~~a party proves by clear and convincing evidence that the~~

~~woman and the individual intended to reside together in the same household with the child and both intended the individual would openly hold out the child as the individual's child, but the individual was prevented from carrying out that intent by death or incapacity.~~

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

~~(a) General rule. Except as otherwise provided in subsection (b), an individual who at the time of a child's birth is the spouse of the woman who gave birth to the child by assisted reproduction, may not challenge the individual's parentage of the child unless:~~

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

~~(2) the court finds the individual did not consent to the assisted reproduction before, on or after birth of the child or withdrew consent under section 9707 (relating to withdrawal of consent).~~

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

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

~~(2) the spouse and the woman who gave birth to the child have not cohabited since the probable time of assisted reproduction; and~~

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

~~(c) Applicability. This section applies to a spouse's~~

1 ~~dispute of parentage even if the spouse's marriage is declared~~  
2 ~~invalid after assisted reproduction occurs.~~

3 ~~§ 9706. Effect of certain legal proceedings regarding marriage.~~

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

13 ~~§ 9707. Withdrawal of consent.~~

14 ~~(a) General rule. An individual who consents under section~~  
15 ~~9704 (relating to consent to assisted reproduction) to assisted~~  
16 ~~reproduction may withdraw consent any time before a transfer~~  
17 ~~that results in a pregnancy by giving notice in a record of the~~  
18 ~~withdrawal of consent to the woman who agreed to give birth to a~~  
19 ~~child conceived by assisted reproduction and to any clinic or~~  
20 ~~health care provider facilitating the assisted reproduction.~~  
21 ~~Failure to give notice to the clinic or health care provider~~  
22 ~~does not affect a determination of parentage under this part.~~

23 ~~(b) Effect of withdrawal. An individual who withdraws~~  
24 ~~consent under subsection (a) is not a parent of the child under~~  
25 ~~this chapter.~~

26 ~~§ 9708. Parental status of deceased individual.~~

27 ~~(a) Death after gamete or embryo transfer. If an individual~~  
28 ~~who intends to be a parent of a child conceived by assisted~~  
29 ~~reproduction dies during the period between the transfer of a~~  
30 ~~gamete or embryo and the birth of the child, the individual's~~

~~1 death does not preclude the establishment of the individual's  
2 parentage of the child if the individual otherwise would be a  
3 parent of the child under this part.~~

~~4 (b) Death before gamete or embryo transfer. If an  
5 individual who consented in a record to assisted reproduction by  
6 a woman who agreed to give birth to a child dies before a  
7 transfer of gametes or embryos, the deceased individual is a  
8 parent of a child conceived by the assisted reproduction only  
9 if:~~

~~10 (1) either:~~

~~11 (i) the individual consented in a record that if  
12 assisted reproduction were to occur after the death of  
13 the individual, the individual would be a parent of the  
14 child; or~~

~~15 (ii) the individual's intent to be a parent of a  
16 child conceived by assisted reproduction after the  
17 individual's death is established by clear and convincing  
18 evidence; and~~

~~19 (2) either:~~

~~20 (i) the embryo is in utero not later than 36 months  
21 after the individual's death; or~~

~~22 (ii) the child is born not later than 45 months  
23 after the individual's death.~~

~~24 CHAPTER 98~~

~~25 SURROGACY AGREEMENT~~

~~26 Subchapter~~

~~27 A. General Requirements~~

~~28 B. Special Rules for Gestational Surrogacy Agreement~~

~~29 C. Special Rules for Genetic Surrogacy Agreement~~

~~30 SUBCHAPTER A~~

1 GENERAL REQUIREMENTS

2 Sec.

3 9801. Definitions.

4 9802. Eligibility to enter gestational or genetic surrogacy  
5 agreement.

6 9803. Requirements of gestational or genetic surrogacy  
7 agreement: process.

8 9804. Requirements of gestational or genetic surrogacy  
9 agreements: content.

10 9805. Surrogacy agreement: effect of subsequent change of  
11 marital status.

12 9806. Inspection of documents.

13 9807. Exclusive, continuing jurisdiction.

14 § 9801. Definitions.

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

18 "Genetic surrogate." A woman who is not an intended parent  
19 and who agrees to become pregnant through assisted reproduction  
20 using her own gamete, under a genetic surrogacy agreement as  
21 provided in this chapter.

22 "Gestational surrogate." A woman who is not an intended  
23 parent and who agrees to become pregnant through assisted  
24 reproduction using gametes that are not her own, under a  
25 gestational surrogacy agreement as provided in this chapter.

26 "Surrogacy agreement." An agreement between one or more  
27 intended parents and a woman who is not an intended parent in  
28 which the woman agrees to become pregnant through assisted  
29 reproduction and which provides that each intended parent is a  
30 parent of a child conceived under the agreement. Unless

1 ~~otherwise specified, the term refers to both a gestational~~  
2 ~~surrogacy agreement and a genetic surrogacy agreement.~~

3 ~~§ 9802. Eligibility to enter gestational or genetic surrogacy~~  
4 ~~agreement.~~

5 ~~(a) Requirements for surrogates. To execute an agreement to~~  
6 ~~act as a gestational or genetic surrogate, a woman must:~~

7 ~~(1) have attained 21 years of age;~~

8 ~~(2) previously have given birth to at least one child;~~

9 ~~(3) complete a medical evaluation related to the~~  
10 ~~surrogacy arrangement by a licensed medical doctor;~~

11 ~~(4) complete a mental health consultation by a licensed~~  
12 ~~mental health professional; and~~

13 ~~(5) have independent legal representation of her choice~~  
14 ~~throughout the surrogacy arrangement regarding the terms of~~  
15 ~~the surrogacy agreement and the potential legal consequences~~  
16 ~~of the agreement.~~

17 ~~(b) Requirements for intended parents. To execute a~~  
18 ~~surrogacy agreement, each intended parent, whether or not~~  
19 ~~genetically related to the child, must:~~

20 ~~(1) have attained 21 years of age;~~

21 ~~(2) complete a medical evaluation related to the~~  
22 ~~surrogacy arrangement by a licensed medical doctor;~~

23 ~~(3) complete a mental health consultation by a licensed~~  
24 ~~mental health professional; and~~

25 ~~(4) have independent legal representation of the~~  
26 ~~intended parent's choice throughout the surrogacy arrangement~~  
27 ~~regarding the terms of the surrogacy agreement and the~~  
28 ~~potential legal consequences of the agreement.~~

29 ~~§ 9803. Requirements of gestational or genetic surrogacy~~  
30 ~~agreement: process.~~



1 ~~A surrogacy agreement must be executed in compliance with the~~  
2 ~~following rules:~~

3 ~~(1) At least one party must be a resident of this State~~  
4 ~~or, if no party is a resident of this State, at least one~~  
5 ~~medical evaluation or procedure or mental health consultation~~  
6 ~~under the agreement must occur in this State.~~

7 ~~(2) A surrogate and each intended parent must meet the~~  
8 ~~requirements of section 9802 (relating to eligibility to~~  
9 ~~enter gestational or genetic surrogacy agreement).~~

10 ~~(3) Each intended parent, the surrogate and the~~  
11 ~~surrogate's spouse, if any, must be parties to the agreement.~~

12 ~~(4) The agreement must be in a record signed by each~~  
13 ~~party listed in paragraph (3).~~

14 ~~(5) The surrogate and each intended parent must~~  
15 ~~acknowledge in a record receipt of a copy of the agreement.~~

16 ~~(6) The signature of each party to the agreement must be~~  
17 ~~attested by a notarial officer or witnessed.~~

18 ~~(7) The surrogate and the intended parent or parents~~  
19 ~~must have independent legal representation throughout the~~  
20 ~~surrogacy arrangement regarding the terms of the surrogacy~~  
21 ~~agreement and the potential legal consequences of the~~  
22 ~~agreement, and each counsel must be identified in the~~  
23 ~~surrogacy agreement.~~

24 ~~(8) The intended parent or parents must pay for~~  
25 ~~independent legal representation for the surrogate.~~

26 ~~(9) The agreement must be executed before a medical~~  
27 ~~procedure occurs related to the surrogacy agreement, other~~  
28 ~~than the medical evaluation and mental health consultation~~  
29 ~~required by section 9802.~~

30 ~~§ 9804. Requirements of gestational or genetic surrogacy~~

1 ~~agreements: content.~~

2 ~~(a) General rule. A surrogacy agreement must comply with~~  
3 ~~the following requirements:~~

4 ~~(1) A surrogate agrees to attempt to become pregnant by~~  
5 ~~means of assisted reproduction.~~

6 ~~(2) Except as otherwise provided in sections 9811~~  
7 ~~(relating to gestational surrogacy agreement: order of~~  
8 ~~parentage), 9814 (relating to termination of genetic~~  
9 ~~surrogacy agreement) and 9815 (relating to parentage under~~  
10 ~~validated genetic surrogacy agreement), the surrogate and the~~  
11 ~~surrogate's spouse or former spouse, if any, have no claim to~~  
12 ~~parentage of a child conceived by assisted reproduction under~~  
13 ~~the agreement.~~

14 ~~(3) The surrogate's spouse, if any, must acknowledge and~~  
15 ~~agree to comply with the obligations imposed on the surrogate~~  
16 ~~by the agreement.~~

17 ~~(4) Except as otherwise provided in sections 9811, 9814~~  
18 ~~and 9815, the intended parent or, if there are two intended~~  
19 ~~parents, each one jointly and severally, immediately on birth~~  
20 ~~will be the exclusive parent or parents of the child,~~  
21 ~~regardless of number of children born or gender or mental or~~  
22 ~~physical condition of each child.~~

23 ~~(5) Except as otherwise provided in sections 9811, 9814~~  
24 ~~and 9815, the intended parent or, if there are two intended~~  
25 ~~parents, each parent jointly and severally, immediately on~~  
26 ~~birth will assume responsibility for the financial support of~~  
27 ~~the child, regardless of number of children born or gender or~~  
28 ~~mental or physical condition of each child.~~

29 ~~(6) The agreement must include information disclosing~~  
30 ~~how each intended parent will cover the surrogacy related~~

~~expenses of the surrogate and the medical expenses of the child. If health care coverage is used to cover the medical expenses, the disclosure must include a summary of the health care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the surrogate, third party liability liens, other insurance coverage and any notice requirement that could affect coverage or liability of the surrogate. Unless the agreement expressly provides otherwise, the review and disclosure do not constitute legal advice. If the extent of coverage is uncertain, a statement of that fact is sufficient to comply with this paragraph.~~

~~(7) The agreement must permit the surrogate to make all health and welfare decisions regarding herself and her pregnancy. This part does not enlarge or diminish the surrogate's right to terminate her pregnancy.~~

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

~~(b) Additional provisions. A surrogacy agreement may provide for:~~

~~(1) payment of consideration and reasonable expenses;~~  
~~and~~

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

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

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

~~(a) Surrogates. Unless a surrogacy agreement expressly~~

1 ~~provides otherwise:~~

2 ~~(1) the marriage of a surrogate after the agreement is~~  
3 ~~signed by all parties does not affect the validity of the~~  
4 ~~agreement, her spouse's consent to the agreement is not~~  
5 ~~required and her spouse is not a presumed parent of a child~~  
6 ~~conceived by assisted reproduction under the agreement; and~~

7 ~~(2) the divorce, dissolution or annulment of the~~  
8 ~~surrogate after the agreement is signed by all parties does~~  
9 ~~not affect the validity of the agreement.~~

10 ~~(b) Intended parents. Unless a surrogacy agreement~~  
11 ~~expressly provides otherwise:~~

12 ~~(1) the marriage of an intended parent after the~~  
13 ~~agreement is signed by all parties does not affect the~~  
14 ~~validity of a surrogacy agreement, the consent of the spouse~~  
15 ~~of the intended parent is not required and the spouse of the~~  
16 ~~intended parent is not, based on the agreement, a parent of a~~  
17 ~~child conceived by assisted reproduction under the agreement;~~  
18 ~~and~~

19 ~~(2) the divorce, dissolution or annulment of an intended~~  
20 ~~parent after the agreement is signed by all parties does not~~  
21 ~~affect the validity of the agreement, and, except as~~  
22 ~~otherwise provided in section 9814 (relating to termination~~  
23 ~~of genetic surrogacy agreement), the intended parents are the~~  
24 ~~parents of the child.~~

25 ~~§ 9806. Inspection of documents.~~

26 ~~Unless the court orders otherwise, a petition and any other~~  
27 ~~document related to a surrogacy agreement filed with the court~~  
28 ~~under this subchapter are not open to inspection by any~~  
29 ~~individual other than the parties to the proceeding, a child~~  
30 ~~conceived by assisted reproduction under the agreement, their~~

~~1 attorneys and the Department of Health. A court may not  
2 authorize an individual to inspect a document related to the  
3 agreement unless required by exigent circumstances. The  
4 individual seeking to inspect the document may be required to  
5 pay the expense of preparing a copy of the document to be  
6 inspected.~~

~~7 § 9807. Exclusive, continuing jurisdiction.~~

~~8 During the period after the execution of a surrogacy  
9 agreement until 90 days after the birth of a child conceived by  
10 assisted reproduction under the agreement, a court of this State  
11 conducting a proceeding under this part has exclusive,  
12 continuing jurisdiction over all matters arising out of the  
13 agreement. This section does not give the court jurisdiction  
14 over a child custody proceeding or child support proceeding if  
15 jurisdiction is not otherwise authorized by the law of this  
16 State other than this part.~~

~~17 SUBCHAPTER B~~

~~18 SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT~~

~~19 Sec.~~

~~20 9808. Termination of gestational surrogacy agreement.~~

~~21 9809. Parentage under gestational surrogacy agreement.~~

~~22 9810. Gestational surrogacy agreement: parentage of deceased  
23 intended parent.~~

~~24 9811. Gestational surrogacy agreement: order of parentage.~~

~~25 9812. Effect of gestational surrogacy agreement.~~

~~26 § 9808. Termination of gestational surrogacy agreement.~~

~~27 (a) General rule. A party to a gestational surrogacy  
28 agreement may terminate the agreement at any time before an  
29 embryo transfer by giving notice of termination in a record to  
30 all other parties. If an embryo transfer does not result in a~~

1 ~~pregnancy, a party may terminate the agreement at any time~~  
2 ~~before a subsequent embryo transfer.~~

3 ~~(b) Limited release. Unless a gestational surrogacy~~  
4 ~~agreement provides otherwise, on termination of the agreement~~  
5 ~~under subsection (a), the parties are released from the~~  
6 ~~agreement, except that each intended parent remains responsible~~  
7 ~~for expenses that are reimbursable under the agreement and~~  
8 ~~incurred by the gestational surrogate through the date of~~  
9 ~~termination.~~

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

16 ~~§ 9809. Parentage under gestational surrogacy agreement.~~

17 ~~(a) Intended parents. Except as otherwise provided in~~  
18 ~~subsection (c) or section 9810(b) (relating to gestational~~  
19 ~~surrogacy agreement: parentage of deceased intended parent) or~~  
20 ~~9812 (relating to effect of gestational surrogacy agreement), on~~  
21 ~~the birth of a child conceived by assisted reproduction under a~~  
22 ~~gestational surrogacy agreement, each intended parent is, by~~  
23 ~~operation of law, a parent of the child.~~

24 ~~(b) Surrogates. Except as otherwise provided in subsection~~  
25 ~~(c) or section 9812, neither a gestational surrogate nor the~~  
26 ~~surrogate's spouse or former spouse, if any, is a parent of the~~  
27 ~~child.~~

28 ~~(c) When genetic testing required. If a child is alleged to~~  
29 ~~be a genetic child of the woman who agreed to be a gestational~~  
30 ~~surrogate, the court shall order genetic testing of the child.~~

~~1 If the child is a genetic child of the woman who agreed to be a  
2 gestational surrogate, parentage must be determined based on  
3 Chapters 91 (relating to general provisions), 92 (relating to  
4 parent-child relationship), 93 (relating to voluntary  
5 acknowledgment of parentage), 94 (relating to registry of  
6 paternity), 95 (relating to genetic testing) and 96 (relating to  
7 proceeding to adjudicate parentage).~~

~~8 (d) Clinical and laboratory errors. Except as otherwise  
9 provided in subsection (c) or section 9810(b) or 9812, if, due  
10 to a clinical or laboratory error, a child conceived by assisted  
11 reproduction under a gestational surrogacy agreement is not  
12 genetically related to an intended parent or a donor who donated  
13 to the intended parent or parents, each intended parent, and not  
14 the gestational surrogate and the surrogate's spouse or former  
15 spouse, if any, is a parent of the child, subject to any other  
16 claim of parentage.~~

~~17 § 9810. Gestational surrogacy agreement: parentage of deceased  
18 intended parent.~~

~~19 (a) Death after gamete or embryo transfer. Section 9809  
20 (relating to parentage under gestational surrogacy agreement)  
21 applies to an intended parent even if the intended parent died  
22 during the period between the transfer of a gamete or embryo and  
23 the birth of the child.~~

~~24 (b) Death before gamete or embryo transfer. Except as  
25 otherwise provided in section 9812 (relating to effect of  
26 gestational surrogacy agreement), an intended parent is not a  
27 parent of a child conceived by assisted reproduction under a  
28 gestational surrogacy agreement if the intended parent dies  
29 before the transfer of a gamete or embryo unless:~~

~~30 (1) the agreement provides otherwise; and~~

~~(2) the transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.~~

~~§ 9811. Gestational surrogacy agreement: order of parentage.~~

~~(a) Permissible relief. Except as otherwise provided in sections 9809(c) (relating to parentage under gestational surrogacy agreement) or 9812 (relating to effect of gestational surrogacy agreement), before, on or after the birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, a party to the agreement may commence a proceeding in court for an order or judgment:~~

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

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

~~(3) designating the content of the birth record in accordance with law and directing the Bureau of Vital Statistics to designate each intended parent as a parent of the child;~~

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

~~(5) if necessary, that the child be surrendered to the intended parent or parents; and~~

~~(6) for other relief the court determines necessary and~~



1 ~~proper.~~

2 ~~(b) Order of judgment before birth. The court may issue an~~  
3 ~~order or judgment under subsection (a) before the birth of the~~  
4 ~~child. The court shall stay enforcement of the order or judgment~~  
5 ~~until the birth of the child.~~

6 ~~(c) State not necessary party. Neither this State nor the~~  
7 ~~Bureau of Vital Statistics is a necessary party to a proceeding~~  
8 ~~under subsection (a).~~

9 ~~§ 9812. Effect of gestational surrogacy agreement.~~

10 ~~(a) General rule. A gestational surrogacy agreement that~~  
11 ~~complies with sections 9802 (relating to eligibility to enter~~  
12 ~~gestational or genetic surrogacy agreement), 9803 (relating to~~  
13 ~~requirements of gestational or genetic surrogacy agreement:~~  
14 ~~process) and 9804 (relating to requirements of gestational or~~  
15 ~~genetic surrogacy agreement: content) is enforceable.~~

16 ~~(b) Noncomplying gestational surrogacy agreements. If a~~  
17 ~~child was conceived by assisted reproduction under a gestational~~  
18 ~~surrogacy agreement that does not comply with sections 9802,~~  
19 ~~9803 and 9804, the court shall determine the rights and duties~~  
20 ~~of the parties to the agreement consistent with the intent of~~  
21 ~~the parties at the time of execution of the agreement. Each~~  
22 ~~party to the agreement and any individual who at the time of the~~  
23 ~~execution of the agreement was a spouse of a party to the~~  
24 ~~agreement has standing to maintain a proceeding to adjudicate an~~  
25 ~~issue related to the enforcement of the agreement.~~

26 ~~(c) Remedies for breach. Except as expressly provided in a~~  
27 ~~gestational surrogacy agreement or subsection (d) or (e), if the~~  
28 ~~agreement is breached by the gestational surrogate or one or~~  
29 ~~more intended parents, the nonbreaching party is entitled to the~~  
30 ~~remedies available at law or in equity.~~

1 ~~(d) When specific performance prohibited. Specific~~  
2 ~~performance is not a remedy available for breach by a~~  
3 ~~gestational surrogate of a provision in the agreement that the~~  
4 ~~gestational surrogate be impregnated, terminate or not terminate~~  
5 ~~a pregnancy or submit to medical procedures.~~

6 ~~(e) When specific performance permitted. Except as~~  
7 ~~otherwise provided in subsection (d), if an intended parent is~~  
8 ~~determined to be a parent of the child, specific performance is~~  
9 ~~a remedy available for:~~

10 ~~(1) breach of the agreement by a gestational surrogate~~  
11 ~~which prevents the intended parent from exercising~~  
12 ~~immediately on birth of the child the full rights of~~  
13 ~~parentage; or~~

14 ~~(2) breach by the intended parent which prevents the~~  
15 ~~intended parent's acceptance, immediately on birth of the~~  
16 ~~child conceived by assisted reproduction under the agreement,~~  
17 ~~of the duties of parentage.~~

#### 18 SUBCHAPTER C

#### 19 SPECIAL RULES FOR GENETIC SURROGACY AGREEMENT

20 Sec.

21 ~~9813. Requirements to validate genetic surrogacy agreement.~~

22 ~~9814. Termination of genetic surrogacy agreement.~~

23 ~~9815. Parentage under validated genetic surrogacy agreement.~~

24 ~~9816. Effect of nonvalidated genetic surrogacy agreement.~~

25 ~~9817. Genetic surrogacy agreement: parentage of deceased~~  
26 ~~intended parent.~~

27 ~~9818. Breach of genetic surrogacy agreement.~~

28 ~~§ 9813. Requirements to validate genetic surrogacy agreement.~~

29 ~~(a) Prior court approval. Except as otherwise provided in~~  
30 ~~section 9816 (relating to effect of nonvalidated genetic~~

1 ~~surrogacy agreement), to be enforceable, a genetic surrogacy~~  
2 ~~agreement must be validated by the court. A proceeding to~~  
3 ~~validate the agreement must be commenced before assisted~~  
4 ~~reproduction related to the surrogacy agreement.~~

5 ~~(b) Conditions. The court shall issue an order validating a~~  
6 ~~genetic surrogacy agreement if the court finds that:~~

7 ~~(1) sections 9802 (relating to eligibility to enter~~  
8 ~~gestational or genetic surrogacy agreement), 9803 (relating~~  
9 ~~to requirements of gestational or genetic surrogacy~~  
10 ~~agreement: process) and 9804 (relating to requirements of~~  
11 ~~gestational or genetic surrogacy agreement: content) are~~  
12 ~~satisfied; and~~

13 ~~(2) all parties entered into the agreement voluntarily~~  
14 ~~and understand its terms.~~

15 ~~(c) Notice of termination. An individual who terminates~~  
16 ~~under section 9814 (relating to termination of genetic surrogacy~~  
17 ~~agreement) a genetic surrogacy agreement shall file notice of~~  
18 ~~the termination with the court. On receipt of the notice, the~~  
19 ~~court shall vacate any order issued under subsection (b). An~~  
20 ~~individual who does not notify the court of the termination of~~  
21 ~~the agreement is subject to sanctions.~~

22 ~~§ 9814. Termination of genetic surrogacy agreement.~~

23 ~~(a) General rule. A party to a genetic surrogacy agreement~~  
24 ~~may terminate the agreement as follows:~~

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

~~notice of termination must be attested by a notarial officer or witnessed.~~

~~(2) A genetic surrogate who is a party to the agreement may withdraw consent to the agreement any time before 72 hours after the birth of a child conceived by assisted reproduction under the agreement. To withdraw consent, the genetic surrogate must execute a notice of termination in a record stating the surrogate's intent to terminate the agreement. The notice of termination must be attested by a notarial officer or be witnessed and be delivered to each intended parent at any time before 72 hours after the birth of the child.~~

~~(b) Limited release. On termination of the genetic surrogacy agreement under subsection (a), the parties are released from all obligations under the agreement, except that each intended parent remains responsible for all expenses incurred by the surrogate through the date of termination, which are reimbursable under the agreement. Unless the agreement provides otherwise, the surrogate is not entitled to any nonexpense related compensation paid for serving as a surrogate.~~

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

~~§ 9815. Parentage under validated genetic surrogacy agreement.~~

~~(a) Intended parents. Unless a genetic surrogate exercises the right under section 9814 (relating to termination of genetic surrogacy agreement) to terminate a genetic surrogacy agreement,~~

1 ~~each intended parent is a parent of a child conceived by~~  
2 ~~assisted reproduction under an agreement validated under section~~  
3 ~~9813 (relating to requirements to validate genetic surrogacy~~  
4 ~~agreement).~~

5 ~~(b) Court order. Unless a genetic surrogate exercises the~~  
6 ~~right under section 9814 to terminate the genetic surrogacy~~  
7 ~~agreement, on proof of a court order issued under section 9813~~  
8 ~~validating the agreement, the court shall make an order:~~

9 ~~(1) declaring that each intended parent is a parent of a~~  
10 ~~child conceived by assisted reproduction under the agreement~~  
11 ~~and ordering that parental rights and duties vest exclusively~~  
12 ~~in each intended parent;~~

13 ~~(2) declaring that the gestational surrogate and the~~  
14 ~~surrogate's spouse or former spouse, if any, are not parents~~  
15 ~~of the child;~~

16 ~~(3) designating the contents of the birth certificate in~~  
17 ~~accordance with the law of this State other than this part~~  
18 ~~and directing the Bureau of Vital Statistics to designate~~  
19 ~~each intended parent as a parent of the child;~~

20 ~~(4) to protect the privacy of the child and the parties,~~  
21 ~~declaring that the court record is not open to inspection,~~  
22 ~~except as authorized under section 9806 (relating to~~  
23 ~~inspection of documents);~~

24 ~~(5) if necessary, that the child be surrendered to the~~  
25 ~~intended parent or parents; and~~

26 ~~(6) for other relief the court determines necessary and~~  
27 ~~proper.~~

28 ~~(c) Termination. If a genetic surrogate terminates under~~  
29 ~~section 9814(a)(2) a genetic surrogacy agreement, parentage of~~  
30 ~~the child conceived by assisted reproduction under the agreement~~

1 ~~must be determined under Chapters 91 (relating to general~~  
2 ~~provisions), 92 (relating to parent child relationship), 93~~  
3 ~~(relating to voluntary acknowledgment of parentage), 94~~  
4 ~~(relating to registry of paternity), 95 (relating to genetic~~  
5 ~~testing) and 96 (relating to proceeding to adjudicate~~  
6 ~~parentage).~~

7 ~~(d) When genetic testing required. If a child born to a~~  
8 ~~genetic surrogate is alleged not to have been conceived by~~  
9 ~~assisted reproduction, the court shall order genetic testing to~~  
10 ~~determine the genetic parentage of the child. If the child was~~  
11 ~~not conceived by assisted reproduction, parentage must be~~  
12 ~~determined under Chapters 91, 92, 93, 94, 95 and 96. Unless the~~  
13 ~~genetic surrogacy agreement provides otherwise, if the child was~~  
14 ~~not conceived by assisted reproduction, the surrogate is not~~  
15 ~~entitled to any nonexpense related compensation paid for serving~~  
16 ~~as a surrogate.~~

17 ~~(e) Court order of intended parent. Unless a genetic~~  
18 ~~surrogate exercises the right under section 9814 (relating to~~  
19 ~~termination of genetic surrogacy agreement) to terminate the~~  
20 ~~genetic surrogacy agreement, if an intended parent fails to file~~  
21 ~~notice required under section 9814(a), the genetic surrogate or~~  
22 ~~the Department of Health may file with the court, not later than~~  
23 ~~60 days after the birth of a child conceived by assisted~~  
24 ~~reproduction under the agreement, notice that the child has been~~  
25 ~~born to the genetic surrogate. Unless the genetic surrogate has~~  
26 ~~properly exercised the right under section 9814 to withdraw~~  
27 ~~consent to the agreement, on proof of a court order issued under~~  
28 ~~section 9813 (relating to requirements to validate genetic~~  
29 ~~surrogacy agreement) validating the agreement, the court shall~~  
30 ~~order that each intended parent is a parent of the child.~~

1 ~~§ 9816. Effect of nonvalidated genetic surrogacy agreement.~~

2 ~~(a) Enforceable. A genetic surrogacy agreement, whether or~~  
3 ~~not in a record, that is not validated under section 9813~~  
4 ~~(relating to requirements to validate genetic surrogacy~~  
5 ~~agreement) is enforceable only to the extent provided in this~~  
6 ~~section and section 9818 (relating to breach of genetic~~  
7 ~~surrogacy agreement).~~

8 ~~(b) Court validation with agreement of parties. If all~~  
9 ~~parties agree, a court may validate a genetic surrogacy~~  
10 ~~agreement after assisted reproduction has occurred but before~~  
11 ~~the birth of a child conceived by assisted reproduction under~~  
12 ~~the agreement.~~

13 ~~(c) Timely withdrawal of consent. If a child conceived by~~  
14 ~~assisted reproduction under a genetic surrogacy agreement that~~  
15 ~~is not validated under section 9813 is born and the genetic~~  
16 ~~surrogate, consistent with section 9814(a)(2) (relating to~~  
17 ~~termination of genetic surrogacy agreement), withdraws her~~  
18 ~~consent to the agreement before 72 hours after the birth of the~~  
19 ~~child, the court shall adjudicate the parentage of the child~~  
20 ~~under Chapters 91 (relating to general provisions), 92 (relating~~  
21 ~~to parent child relationship), 93 (relating to voluntary~~  
22 ~~acknowledgment of parentage), 94 (relating to registry of~~  
23 ~~paternity), 95 (relating to genetic testing) and 96 (relating to~~  
24 ~~proceeding to adjudicate parentage).~~

25 ~~(d) No timely withdrawal of consent. If a child conceived~~  
26 ~~by assisted reproduction under a genetic surrogacy agreement~~  
27 ~~that is not validated under section 9813 is born and a genetic~~  
28 ~~surrogate does not withdraw her consent to the agreement,~~  
29 ~~consistent with section 9814(a)(2), before 72 hours after the~~  
30 ~~birth of the child, the genetic surrogate is not automatically a~~

~~1 parent and the court shall adjudicate parentage of the child  
2 based on the best interest of the child, taking into account the  
3 factors in section 9613(a) (relating to adjudicating competing  
4 claims of parentage) and the intent of the parties at the time  
5 of the execution of the agreement.~~

~~6 (c) Standing. The parties to a genetic surrogacy agreement  
7 have standing to maintain a proceeding to adjudicate parentage  
8 under this section.~~

~~9 § 9817. Genetic surrogacy agreement: parentage of deceased  
10 intended parent.~~

~~11 (a) Death after gamete or embryo transfer. Except as  
12 otherwise provided in section 9815 (relating to parentage under  
13 validated genetic surrogacy agreement) or 9816 (relating to  
14 effect of nonvalidated genetic surrogacy agreement), on birth of  
15 a child conceived by assisted reproduction under a genetic  
16 surrogacy agreement, each intended parent is, by operation of  
17 law, a parent of the child, notwithstanding the death of an  
18 intended parent during the period between the transfer of a  
19 gamete or embryo and the birth of the child.~~

~~20 (b) Death before gamete or embryo transfer. Except as  
21 otherwise provided in section 9815 or 9816, an intended parent  
22 is not a parent of a child conceived by assisted reproduction  
23 under a genetic surrogacy agreement if the intended parent dies  
24 before the transfer of a gamete or embryo unless:~~

~~25 (1) the agreement provides otherwise; and~~

~~26 (2) the transfer of the gamete or embryo occurs not  
27 later than 36 months after the death of the intended parent  
28 or birth of the child occurs not later than 45 months after  
29 the death of the intended parent.~~

~~30 § 9818. Breach of genetic surrogacy agreement.~~



1 ~~(a) Remedies for breach. Subject to section 9814(b)~~  
2 ~~(relating to termination of genetic surrogacy agreement), if a~~  
3 ~~genetic surrogacy agreement is breached by a genetic surrogate~~  
4 ~~or one or more intended parents, the nonbreaching party is~~  
5 ~~entitled to the remedies available at law or in equity.~~

6 ~~(b) When specific performance prohibited. Specific~~  
7 ~~performance is not a remedy available for breach by a genetic~~  
8 ~~surrogate of a requirement of a validated or nonvalidated~~  
9 ~~genetic surrogacy agreement that the surrogate be impregnated,~~  
10 ~~terminate or not terminate a pregnancy or submit to medical~~  
11 ~~procedures.~~

12 ~~(c) When specific performance permitted. Except as~~  
13 ~~otherwise provided in subsection (b), specific performance is a~~  
14 ~~remedy available for:~~

15 ~~(1) breach of a validated genetic surrogacy agreement by~~  
16 ~~a genetic surrogate of a requirement which prevents an~~  
17 ~~intended parent from exercising the full rights of parentage~~  
18 ~~72 hours after the birth of the child; or~~

19 ~~(2) breach by an intended parent which prevents the~~  
20 ~~intended parent's acceptance of duties of parentage 72 hours~~  
21 ~~after the birth of the child.~~

22 ~~CHAPTER 99~~

23 ~~INFORMATION ABOUT DONOR~~

24 ~~Sec.~~

25 ~~9901. Definitions.~~

26 ~~9902. Applicability.~~

27 ~~9903. Collection of information.~~

28 ~~9904. Declaration regarding identity disclosure.~~

29 ~~9905. Disclosure of identifying information and medical~~  
30 ~~history.~~

1 ~~9906. Recordkeeping.~~

2 ~~§ 9901. Definitions.~~

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

6 ~~"Identifying information." All of the following:~~

7 ~~(1) the full name of a donor;~~

8 ~~(2) the date of birth of the donor; and~~

9 ~~(3) the permanent and, if different, current address of~~  
10 ~~the donor at the time of the donation.~~

11 ~~"Medical history." Information regarding any:~~

12 ~~(1) present illness of a donor;~~

13 ~~(2) past illness of the donor; and~~

14 ~~(3) social, genetic and family history pertaining to the~~  
15 ~~health of the donor.~~

16 ~~§ 9902. Applicability.~~

17 ~~This chapter applies only to gametes collected on or after~~  
18 ~~the effective date of this section.~~

19 ~~§ 9903. Collection of information.~~

20 ~~A gamete bank or fertility clinic authorized by law to~~

21 ~~operate in this State shall collect from a donor the donor's~~

22 ~~identifying information and medical history at the time of the~~

23 ~~donation. If the gamete bank or fertility clinic sends the~~

24 ~~gametes of a donor to another gamete bank or fertility clinic,~~

25 ~~the sending gamete bank or fertility clinic shall forward any~~

26 ~~identifying information and medical history of the donor,~~

27 ~~including the donor's signed declaration under section 9904~~

28 ~~(relating to declaration regarding identity disclosure)~~

29 ~~regarding identity disclosure, to the receiving gamete bank or~~

30 ~~fertility clinic. A receiving gamete bank or fertility clinic~~

1 ~~authorized by law to operate in this State shall collect and~~  
2 ~~retain the information about the donor and each sending gamete~~  
3 ~~bank or fertility clinic.~~

4 ~~§ 9904. Declaration regarding identity disclosure.~~

5 ~~(a) Duties. A gamete bank or fertility clinic authorized by~~  
6 ~~law to operate in this State which collects gametes from a donor~~  
7 ~~shall:~~

8 ~~(1) provide the donor with information in a record about~~  
9 ~~the donor's choice regarding identity disclosure; and~~

10 ~~(2) obtain a declaration from the donor regarding~~  
11 ~~identity disclosure.~~

12 ~~(b) Options for donors. A gamete bank or fertility clinic~~  
13 ~~authorized by law to operate in this State shall give a donor~~  
14 ~~the choice to sign a declaration, attested by a notarial officer~~  
15 ~~or witnessed, that either:~~

16 ~~(1) states that the donor agrees to disclose the donor's~~  
17 ~~identity to a child conceived by assisted reproduction with~~  
18 ~~the donor's gametes on request once the child attains 18~~  
19 ~~years of age; or~~

20 ~~(2) states that the donor does not agree presently to~~  
21 ~~disclose the donor's identity to the child.~~

22 ~~(c) Withdrawal of declarations. A gamete bank or fertility~~  
23 ~~clinic authorized by law to operate in this State shall permit a~~  
24 ~~donor who has signed a declaration under subsection (b) (2) to~~  
25 ~~withdraw the declaration at any time by signing a declaration~~  
26 ~~under subsection (b) (1).~~

27 ~~§ 9905. Disclosure of identifying information and medical~~  
28 ~~history.~~

29 ~~(a) Duty to provide identifying information. On request of~~  
30 ~~a child conceived by assisted reproduction who attains 18 years~~

1 ~~of age, a gamete bank or fertility clinic authorized by law to~~  
2 ~~operate in this State which collected, stored or released for~~  
3 ~~use the gametes used in the assisted reproduction shall make a~~  
4 ~~good faith effort to provide the child with identifying~~  
5 ~~information of the donor who provided the gametes, unless the~~  
6 ~~donor signed and did not withdraw a declaration under section~~  
7 ~~9904(b)(2) (relating to declaration regarding identity~~  
8 ~~disclosure). If the donor signed and did not withdraw the~~  
9 ~~declaration, the gamete bank or fertility clinic shall make a~~  
10 ~~good faith effort to notify the donor, who may elect under~~  
11 ~~section 9904(c) to withdraw the donor's declaration.~~

12 ~~(b) Duty to provide nonidentifying medical history of~~  
13 ~~donor. Regardless of whether a donor signed a declaration under~~  
14 ~~section 9904(b)(2), on request by a child conceived by assisted~~  
15 ~~reproduction who attains 18 years of age, or, if the child is a~~  
16 ~~minor, by a parent or guardian of the child, a gamete bank or~~  
17 ~~fertility clinic authorized by law to operate in this State~~  
18 ~~shall make a good faith effort to provide the child or, if the~~  
19 ~~child is a minor, the parent or guardian of the child, access to~~  
20 ~~nonidentifying medical history of the donor.~~

21 ~~§ 9906. Recordkeeping.~~

22 ~~A gamete bank or fertility clinic authorized by law to~~  
23 ~~operate in this State which collects, stores or releases gametes~~  
24 ~~for use in assisted reproduction shall collect and maintain~~  
25 ~~identifying information and medical history about each gamete~~  
26 ~~donor. The gamete bank or fertility clinic shall collect and~~  
27 ~~maintain records of gamete screening and testing and comply with~~  
28 ~~reporting requirements, in accordance with Federal law and~~  
29 ~~applicable law of this State other than this part.~~

30

~~CHAPTER 99A~~

1 MISCELLANEOUS PROVISIONS

2 Sec.

3 99A01. Uniformity of application and construction.

4 99A02. Relation to Electronic Signatures in Global and National  
5 Commerce Act.

6 99A03. Transitional provision.

7 § 99A01. Uniformity of application and construction.

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

11 § 99A02. Relation to Electronic Signatures in Global and  
12 National Commerce Act.

13 This part modifies, limits or supersedes the Electronic  
14 Signatures in Global and National Commerce Act (Public Law 106-  
15 229, 15 U.S.C. § 7001 et seq.), but does not modify, limit or  
16 supersede section 101(c) of that act or authorize electronic  
17 delivery of any of the notices described in section 103(b) of  
18 that act.

19 § 99A03. Transitional provision.

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

23 Section 2. This act shall take effect in 60 days.

24 SECTION 1. SECTIONS 2503(B) AND (D), 2504(C), 2513(B),  
25 4343(C) (6) AND 4352(A) OF TITLE 23 OF THE PENNSYLVANIA  
26 CONSOLIDATED STATUTES ARE AMENDED TO READ:

27 § 2503. HEARING.

28 \* \* \*

29 (B) NOTICE.--

30 (1) AT LEAST TEN DAYS' NOTICE OF THE HEARING SHALL BE

<--

1 GIVEN TO THE PETITIONER, AND A COPY OF THE NOTICE SHALL BE  
2 GIVEN TO THE OTHER PARENT, TO THE PUTATIVE FATHER WHOSE  
3 PARENTAL RIGHTS COULD BE TERMINATED PURSUANT TO SUBSECTION  
4 (D) AND TO THE PARENTS OR GUARDIAN OF A PETITIONER WHO HAS  
5 NOT REACHED 18 YEARS OF AGE.

6 (2) THE NOTICE TO THE PETITIONER SHALL STATE THE  
7 FOLLOWING:

8 "TO: (INSERT PETITIONER'S NAME)

9 A PETITION HAS BEEN FILED ASKING THE COURT TO PUT AN  
10 END TO ALL RIGHTS YOU HAVE TO YOUR CHILD (INSERT NAME OF  
11 CHILD). THE COURT HAS SET A HEARING TO CONSIDER ENDING  
12 YOUR RIGHTS TO YOUR CHILD. THAT HEARING WILL BE HELD IN  
13 (INSERT PLACE, GIVING REFERENCE TO EXACT ROOM AND  
14 BUILDING NUMBER OR DESIGNATION) ON (INSERT DATE) AT  
15 (INSERT TIME). YOUR PRESENCE IS REQUIRED AT THE HEARING.  
16 YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A  
17 LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT  
18 ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE,  
19 GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT  
20 WHERE YOU CAN GET LEGAL HELP.

21 (NAME) .....

22 (ADDRESS) .....

23 .....

24 (TELEPHONE NUMBER) ....."

25 (3) THE COPY OF THE NOTICE WHICH IS GIVEN TO THE  
26 PUTATIVE FATHER SHALL STATE THAT HIS RIGHTS MAY ALSO BE  
27 SUBJECT TO TERMINATION PURSUANT TO SUBSECTION (D) IF HE  
28 [FAILS TO FILE EITHER AN ACKNOWLEDGMENT OF PATERNITY OR CLAIM  
29 OF PATERNITY PURSUANT TO SECTION 5103 (RELATING TO  
30 ACKNOWLEDGMENT AND CLAIM OF PATERNITY)] HAS NOT FILED AN

1 ACKNOWLEDGMENT OR CLAIM OF PARENTAGE PURSUANT TO CHAPTER 93  
2 (RELATING TO VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE) AND FAILS  
3 TO EITHER APPEAR AT THE HEARING FOR THE PURPOSE OF OBJECTING  
4 TO THE TERMINATION OF HIS RIGHTS OR FILE A WRITTEN OBJECTION  
5 TO SUCH TERMINATION WITH THE COURT PRIOR TO THE HEARING.

6 \* \* \*

7 (D) PUTATIVE FATHER.--IF A PUTATIVE FATHER WILL NOT FILE A  
8 PETITION TO VOLUNTARILY RELINQUISH HIS PARENTAL RIGHTS PURSUANT  
9 TO SECTION 2501 (RELATING TO RELINQUISHMENT TO AGENCY) OR 2502  
10 (RELATING TO RELINQUISHMENT TO ADULT INTENDING TO ADOPT CHILD),  
11 HAS BEEN GIVEN NOTICE OF THE HEARING BEING HELD PURSUANT TO THIS  
12 SECTION AND FAILS TO EITHER APPEAR AT THAT HEARING FOR THE  
13 PURPOSE OF OBJECTING TO TERMINATION OF HIS PARENTAL RIGHTS OR  
14 FILE A WRITTEN OBJECTION TO SUCH TERMINATION WITH THE COURT  
15 PRIOR TO THE HEARING AND HAS NOT FILED AN ACKNOWLEDGMENT [OF  
16 PATERNITY OR CLAIM OF PATERNITY PURSUANT TO SECTION 5103] OR  
17 CLAIM OF PARENTAGE PURSUANT TO CHAPTER 93, THE COURT MAY ENTER A  
18 DECREE TERMINATING THE PARENTAL RIGHTS OF THE PUTATIVE FATHER  
19 PURSUANT TO SUBSECTION (C).

20 \* \* \*

21 § 2504. ALTERNATIVE PROCEDURE FOR RELINQUISHMENT.

22 \* \* \*

23 (C) PUTATIVE FATHER.--IF A PUTATIVE FATHER WILL NOT EXECUTE  
24 A CONSENT TO AN ADOPTION AS REQUIRED BY SECTION 2711, HAS BEEN  
25 GIVEN NOTICE OF THE HEARING BEING HELD PURSUANT TO THIS SECTION  
26 AND FAILS TO EITHER APPEAR AT THAT HEARING FOR THE PURPOSE OF  
27 OBJECTING TO TERMINATION OF HIS PARENTAL RIGHTS OR FILE A  
28 WRITTEN OBJECTION TO SUCH TERMINATION WITH THE COURT PRIOR TO  
29 THE HEARING AND HAS NOT FILED AN ACKNOWLEDGMENT [OF PATERNITY OR  
30 CLAIM OF PATERNITY PURSUANT TO SECTION 5103 (RELATING TO

1 ACKNOWLEDGMENT AND CLAIM OF PATERNITY)] OR CLAIM OF PARENTAGE  
2 PURSUANT TO CHAPTER 93 (RELATING TO VOLUNTARY ACKNOWLEDGMENT OF  
3 PARENTAGE), THE COURT MAY ENTER A DECREE TERMINATING THE  
4 PARENTAL RIGHTS OF THE PUTATIVE FATHER PURSUANT TO SUBSECTION  
5 (B) .

6 \* \* \*

7 § 2513. HEARING.

8 \* \* \*

9 (B) NOTICE.--AT LEAST TEN DAYS' NOTICE SHALL BE GIVEN TO THE  
10 PARENT OR PARENTS, PUTATIVE FATHER, OR PARENT OF A MINOR PARENT  
11 WHOSE RIGHTS ARE TO BE TERMINATED, BY PERSONAL SERVICE OR BY  
12 REGISTERED MAIL TO HIS OR THEIR LAST KNOWN ADDRESS OR BY SUCH  
13 OTHER MEANS AS THE COURT MAY REQUIRE. A COPY OF THE NOTICE SHALL  
14 BE GIVEN IN THE SAME MANNER TO THE OTHER PARENT, PUTATIVE FATHER  
15 OR PARENT OR GUARDIAN OF A MINOR PARENT WHOSE RIGHTS ARE TO BE  
16 TERMINATED. A PUTATIVE FATHER SHALL INCLUDE ONE WHO HAS FILED [A  
17 CLAIM OF PATERNITY AS PROVIDED IN SECTION 5103 (RELATING TO  
18 ACKNOWLEDGMENT AND CLAIM OF PATERNITY)] AN ACKNOWLEDGMENT OR  
19 CLAIM OF PARENTAGE AS PROVIDED IN CHAPTER 93 (RELATING TO  
20 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE) PRIOR TO THE INSTITUTION  
21 OF PROCEEDINGS. THE NOTICE SHALL STATE THE FOLLOWING:

22 "A PETITION HAS BEEN FILED ASKING THE COURT TO PUT AN END  
23 TO ALL RIGHTS YOU HAVE TO YOUR CHILD (INSERT NAME OF CHILD) .  
24 THE COURT HAS SET A HEARING TO CONSIDER ENDING YOUR RIGHTS TO  
25 YOUR CHILD. THAT HEARING WILL BE HELD IN (INSERT PLACE,  
26 GIVING REFERENCE TO EXACT ROOM AND BUILDING NUMBER OR  
27 DESIGNATION) ON (INSERT DATE) AT (INSERT TIME) . YOU ARE  
28 WARNED THAT EVEN IF YOU FAIL TO APPEAR AT THE SCHEDULED  
29 HEARING, THE HEARING WILL GO ON WITHOUT YOU AND YOUR RIGHTS  
30 TO YOUR CHILD MAY BE ENDED BY THE COURT WITHOUT YOUR BEING



1 PRESENT. YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY  
2 A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.  
3 IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR  
4 TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU  
5 CAN GET LEGAL HELP.

6 (NAME) .....  
7 (ADDRESS) .....  
8 .....  
9 (TELEPHONE NUMBER) ....."

10 \* \* \*

11 § 4343. PATERNITY.

12 \* \* \*

13 (C) GENETIC TESTS.--

14 \* \* \*

15 [(6) A DETERMINATION OF NONPATERNITY MADE BY ANOTHER  
16 STATE WITH RESPECT TO A PUBLIC ASSISTANCE RECIPIENT SHALL NOT  
17 BE BINDING UPON THE DEPARTMENT OF PUBLIC WELFARE UNLESS THE  
18 DEFENDANT SHOWS THAT THE DEPARTMENT HAD ACTUAL NOTICE OF THE  
19 PROCEEDINGS, INCLUDING THE DATE AND TIME OF ANY TRIAL, AND A  
20 FAIR OPPORTUNITY TO PARTICIPATE IN ALL MATERIAL PROCEEDINGS  
21 THROUGH COUNSEL OF ITS OWN CHOICE.]

22 § 4352. CONTINUING JURISDICTION OVER SUPPORT ORDERS.

23 (A) GENERAL RULE.--THE COURT MAKING AN ORDER OF SUPPORT  
24 SHALL AT ALL TIMES MAINTAIN JURISDICTION OF THE MATTER FOR THE  
25 PURPOSE OF ENFORCEMENT OF THE ORDER AND FOR THE PURPOSE OF  
26 INCREASING, DECREASING, MODIFYING OR RESCINDING THE ORDER UNLESS  
27 OTHERWISE PROVIDED BY PART VIII (RELATING TO UNIFORM INTERSTATE  
28 FAMILY SUPPORT) [OR], VIII-A (RELATING TO INTRASTATE FAMILY  
29 SUPPORT) OR IX-A (RELATING TO UNIFORM PARENTAGE ACT) WITHOUT  
30 LIMITING THE RIGHT OF THE OBLIGEE, OR THE DEPARTMENT IF IT HAS

1 AN ASSIGNMENT OR OTHER INTEREST, TO INSTITUTE ADDITIONAL  
2 PROCEEDINGS FOR SUPPORT IN ANY COUNTY IN WHICH THE OBLIGOR  
3 RESIDES OR IN WHICH PROPERTY OF THE OBLIGOR IS SITUATED. THE  
4 SUPREME COURT SHALL BY GENERAL RULE ESTABLISH PROCEDURES BY  
5 WHICH EACH INTERESTED PARTY SHALL BE NOTIFIED OF ALL PROCEEDINGS  
6 IN WHICH SUPPORT OBLIGATIONS MIGHT BE ESTABLISHED OR MODIFIED  
7 AND SHALL RECEIVE A COPY OF ANY ORDER ISSUED IN A CASE WITHIN 14  
8 DAYS AFTER ISSUANCE OF SUCH ORDER. A PETITION FOR MODIFICATION  
9 OF A SUPPORT ORDER MAY BE FILED AT ANY TIME AND SHALL BE GRANTED  
10 IF THE REQUESTING PARTY DEMONSTRATES A SUBSTANTIAL CHANGE IN  
11 CIRCUMSTANCES.

12 \* \* \*

13 SECTION 2. SECTION 5103 OF TITLE 23 IS REPEALED:

14 [§ 5103. ACKNOWLEDGMENT AND CLAIM OF PATERNITY.]

15 (A) ACKNOWLEDGMENT OF PATERNITY.--THE FATHER OF A CHILD BORN  
16 TO AN UNMARRIED WOMAN MAY FILE WITH THE DEPARTMENT OF PUBLIC  
17 WELFARE, ON FORMS PRESCRIBED BY THE DEPARTMENT, AN  
18 ACKNOWLEDGMENT OF PATERNITY OF THE CHILD WHICH SHALL INCLUDE THE  
19 CONSENT OF THE MOTHER OF THE CHILD, SUPPORTED BY HER WITNESSED  
20 STATEMENT SUBJECT TO 18 PA.C.S. § 4904 (RELATING TO UNSWORN  
21 FALSIFICATION TO AUTHORITIES). IN SUCH CASE, THE FATHER SHALL  
22 HAVE ALL THE RIGHTS AND DUTIES AS TO THE CHILD WHICH HE WOULD  
23 HAVE HAD IF HE HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF THE  
24 BIRTH OF THE CHILD, AND THE CHILD SHALL HAVE ALL THE RIGHTS AND  
25 DUTIES AS TO THE FATHER WHICH THE CHILD WOULD HAVE HAD IF THE  
26 FATHER HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF BIRTH. THE  
27 HOSPITAL OR OTHER PERSON ACCEPTING AN ACKNOWLEDGMENT OF  
28 PATERNITY SHALL PROVIDE WRITTEN AND ORAL NOTICE, WHICH MAY BE  
29 THROUGH THE USE OF VIDEO OR AUDIO EQUIPMENT, TO THE BIRTH MOTHER  
30 AND BIRTH FATHER OF THE ALTERNATIVES TO, THE LEGAL CONSEQUENCES

1 OF AND THE RIGHTS AND RESPONSIBILITIES THAT ARISE FROM, SIGNING  
2 THE ACKNOWLEDGMENT.

3 (B) CLAIM OF PATERNITY.--IF THE MOTHER OF THE CHILD FAILS OR  
4 REFUSES TO JOIN IN THE ACKNOWLEDGMENT OF PATERNITY PROVIDED FOR  
5 IN SUBSECTION (A), THE DEPARTMENT OF PUBLIC WELFARE SHALL INDEX  
6 IT AS A CLAIM OF PATERNITY. THE FILING AND INDEXING OF A CLAIM  
7 OF PATERNITY SHALL NOT CONFER UPON THE PUTATIVE FATHER ANY  
8 RIGHTS AS TO THE CHILD EXCEPT THAT THE PUTATIVE FATHER SHALL BE  
9 ENTITLED TO NOTICE OF ANY PROCEEDING BROUGHT TO TERMINATE ANY  
10 PARENTAL RIGHTS AS TO THE CHILD.

11 (C) DUTY OF HOSPITAL OR BIRTHING CENTER.--UPON THE BIRTH OF  
12 A CHILD TO AN UNMARRIED WOMAN, AN AGENT OF THE HOSPITAL OR  
13 BIRTHING CENTER WHERE THE BIRTH OCCURRED SHALL:

14 (1) PROVIDE THE NEWBORN'S BIRTH PARENTS WITH AN  
15 OPPORTUNITY TO COMPLETE AN ACKNOWLEDGMENT OF PATERNITY. THE  
16 COMPLETED, SIGNED AND WITNESSED ACKNOWLEDGMENT SHALL BE SENT  
17 TO THE DEPARTMENT OF PUBLIC WELFARE. A COPY SHALL BE GIVEN TO  
18 EACH OF THE BIRTH PARENTS. THIS ACKNOWLEDGMENT SHALL CONTAIN:

19 (I) A SIGNED, WITNESSED STATEMENT SUBJECT TO 18  
20 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO  
21 AUTHORITIES) BY THE BIRTH MOTHER CONSENTING TO THE  
22 ACKNOWLEDGMENT OF PATERNITY.

23 (II) A SIGNED, WITNESSED STATEMENT SUBJECT TO 18  
24 PA.C.S. § 4904 BY THE BIRTH FATHER ACKNOWLEDGING HIS  
25 PATERNITY.

26 (III) A WRITTEN EXPLANATION OF THE PARENTAL DUTIES  
27 AND PARENTAL RIGHTS WHICH ARISE FROM SIGNING SUCH A  
28 STATEMENT.

29 (IV) THE SOCIAL SECURITY NUMBERS AND ADDRESSES OF  
30 BOTH BIRTH PARENTS.

1 (2) PROVIDE WRITTEN INFORMATION, FURNISHED BY THE  
2 DEPARTMENT TO THE BIRTH MOTHER AND BIRTH FATHER, WHICH  
3 EXPLAINS THE BENEFITS OF HAVING THE CHILD'S PATERNITY  
4 ESTABLISHED, THE AVAILABILITY OF PATERNITY ESTABLISHMENT  
5 SERVICES AND THE AVAILABILITY OF CHILD SUPPORT ENFORCEMENT  
6 AGENCIES.

7 (D) CONCLUSIVE EVIDENCE.--NOTWITHSTANDING ANY OTHER  
8 PROVISION OF LAW, AN ACKNOWLEDGMENT OF PATERNITY SHALL  
9 CONSTITUTE CONCLUSIVE EVIDENCE OF PATERNITY WITHOUT FURTHER  
10 JUDICIAL RATIFICATION IN ANY ACTION TO ESTABLISH SUPPORT. THE  
11 COURT SHALL GIVE FULL FAITH AND CREDIT TO AN ACKNOWLEDGMENT OF  
12 PATERNITY SIGNED IN ANOTHER STATE ACCORDING TO ITS PROCEDURES.

13 (E) TRANSFER.--THE DEPARTMENT OF HEALTH SHALL TRANSFER TO  
14 THE DEPARTMENT OF PUBLIC WELFARE ALL ACKNOWLEDGMENTS OR CLAIMS  
15 OF PATERNITY FILED WITH THE DEPARTMENT OF HEALTH UNDER PRIOR  
16 STATUTES.

17 (F) CERTIFICATIONS.--THE DEPARTMENT OF PUBLIC WELFARE SHALL  
18 PROVIDE NECESSARY CERTIFICATIONS UNDER PART III (RELATING TO  
19 ADOPTION) AS TO WHETHER ANY ACKNOWLEDGMENT OR CLAIM OF PATERNITY  
20 HAS BEEN FILED IN REGARD TO ANY CHILD WHO IS A PROSPECTIVE  
21 ADOPTIVE CHILD.

22 (G) RESCISSION.--

23 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A  
24 SIGNED, VOLUNTARY, WITNESSED ACKNOWLEDGMENT OF PATERNITY  
25 SUBJECT TO 18 PA.C.S. § 4904 SHALL BE CONSIDERED A LEGAL  
26 FINDING OF PATERNITY, SUBJECT TO THE RIGHT OF ANY SIGNATORY  
27 TO RESCIND THE ACKNOWLEDGMENT WITHIN THE EARLIER OF THE  
28 FOLLOWING:

29 (I) SIXTY DAYS; OR

30 (II) THE DATE OF AN ADMINISTRATIVE OR JUDICIAL

1 PROCEEDING RELATING TO THE CHILD, INCLUDING, BUT NOT  
2 LIMITED TO, A DOMESTIC RELATIONS SECTION CONFERENCE OR A  
3 PROCEEDING TO ESTABLISH A SUPPORT ORDER IN WHICH THE  
4 SIGNATORY IS A PARTY.

5 (2) AFTER THE EXPIRATION OF THE 60 DAYS, AN  
6 ACKNOWLEDGMENT OF PATERNITY MAY BE CHALLENGED IN COURT ONLY  
7 ON THE BASIS OF FRAUD, DURESS OR MATERIAL MISTAKE OF FACT,  
8 WHICH MUST BE ESTABLISHED BY THE CHALLENGER THROUGH CLEAR AND  
9 CONVINCING EVIDENCE. AN ORDER FOR SUPPORT SHALL NOT BE  
10 SUSPENDED DURING THE PERIOD OF CHALLENGE EXCEPT FOR GOOD  
11 CAUSE SHOWN.

12 (H) PENALTIES FOR NONCOMPLIANCE.--THE DEPARTMENT MAY IMPOSE  
13 A CIVIL PENALTY NOT TO EXCEED \$500 PER DAY UPON A HOSPITAL OR  
14 BIRTHING CENTER WHICH IS NOT IN COMPLIANCE WITH THE PROVISIONS  
15 OF THIS SECTION. A PENALTY UNDER THIS SUBSECTION IS SUBJECT TO 2  
16 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF  
17 COMMONWEALTH AGENCIES) AND CH. 7 SUBCH. A (RELATING TO JUDICIAL  
18 REVIEW OF COMMONWEALTH AGENCY ACTION).

19 (I) STATUS OF FATHER.--THE NAME OF THE FATHER SHALL BE  
20 INCLUDED ON THE RECORD OF BIRTH OF THE CHILD OF UNMARRIED  
21 PARENTS ONLY IF ONE OF THE FOLLOWING APPLIES:

22 (1) THE FATHER AND MOTHER HAVE SIGNED A VOLUNTARY  
23 ACKNOWLEDGMENT OF PATERNITY.

24 (2) A COURT OR ADMINISTRATIVE AGENCY OF COMPETENT  
25 JURISDICTION HAS ISSUED AN ADJUDICATION OF PATERNITY.]

26 SECTION 3. SECTION 7201(A) OF TITLE 23 IS AMENDED TO READ:

27 § 7201. BASES FOR JURISDICTION OVER NONRESIDENT.

28 (A) JURISDICTION.--IN A PROCEEDING TO ESTABLISH OR ENFORCE A  
29 SUPPORT ORDER OR TO DETERMINE PARENTAGE OF A CHILD, A TRIBUNAL  
30 OF THIS STATE MAY EXERCISE PERSONAL JURISDICTION OVER A

1 NONRESIDENT INDIVIDUAL OR THE INDIVIDUAL'S GUARDIAN OR  
2 CONSERVATOR IF ANY OF THE FOLLOWING APPLY:

3 (1) THE INDIVIDUAL IS PERSONALLY SERVED WITH A WRIT OF  
4 SUMMONS, COMPLAINT OR OTHER APPROPRIATE PLEADING WITHIN THIS  
5 STATE.

6 (2) THE INDIVIDUAL SUBMITS TO THE JURISDICTION OF THIS  
7 STATE BY CONSENT IN A RECORD, BY ENTERING A GENERAL  
8 APPEARANCE OR BY FILING A RESPONSIVE DOCUMENT HAVING THE  
9 EFFECT OF WAIVING ANY CONTEST TO PERSONAL JURISDICTION.

10 (3) THE INDIVIDUAL RESIDED WITH THE CHILD IN THIS STATE.

11 (4) THE INDIVIDUAL RESIDED IN THIS STATE AND PROVIDED  
12 PRENATAL EXPENSES OR SUPPORT FOR THE CHILD.

13 (5) THE CHILD RESIDES IN THIS STATE AS A RESULT OF THE  
14 ACTS OR DIRECTIVES OF THE INDIVIDUAL.

15 (6) THE INDIVIDUAL ENGAGED IN SEXUAL INTERCOURSE IN THIS  
16 STATE AND THE CHILD MAY HAVE BEEN CONCEIVED BY THAT ACT OF  
17 INTERCOURSE.

18 (7) THE INDIVIDUAL ACKNOWLEDGED PARENTAGE OF THE CHILD  
19 [ON A FORM FILED WITH THE DEPARTMENT UNDER SECTION 5103  
20 (RELATING TO ACKNOWLEDGMENT AND CLAIM OF PATERNITY)] UNDER  
21 CHAPTER 93 (RELATING TO VOLUNTARY ACKNOWLEDGMENT OF  
22 PARENTAGE).

23 (8) THERE IS ANY OTHER BASIS CONSISTENT WITH THE  
24 CONSTITUTIONS OF THIS STATE AND THE UNITED STATES FOR THE  
25 EXERCISE OF PERSONAL JURISDICTION.

26 \* \* \*

27 SECTION 4. TITLE 23 IS AMENDED BY ADDING A PART TO READ:

28 PART IX-A  
29 UNIFORM PARENTAGE ACT  
30 CHAPTER



1 "ACTIVE PETITION." A PETITION WHICH HAS BEEN SERVED AND NOT  
2 WITHDRAWN.

3 "ADJUDICATED PARENT." AN INDIVIDUAL WHO HAS BEEN ADJUDICATED  
4 TO BE A PARENT OF A CHILD BY A COURT WITH JURISDICTION.

5 "ALLEGED GENETIC PARENT." AN INDIVIDUAL WHO IS ALLEGED TO  
6 BE, OR ALLEGES THAT THE INDIVIDUAL IS, A GENETIC PARENT OR  
7 POSSIBLE GENETIC PARENT OF A CHILD WHOSE PARENTAGE HAS NOT BEEN  
8 ADJUDICATED. THE TERM DOES NOT INCLUDE:

9 (1) A PRESUMED PARENT;

10 (2) AN INDIVIDUAL WHOSE PARENTAL RIGHTS HAVE BEEN  
11 TERMINATED OR DECLARED NOT TO EXIST; OR

12 (3) A DONOR.

13 "ASSISTED REPRODUCTION." A METHOD OF CAUSING PREGNANCY OTHER  
14 THAN SEXUAL INTERCOURSE. THE TERM INCLUDES:

15 (1) INTRAUTERINE, INTRACERVICAL OR VAGINAL INSEMINATION;

16 (2) DONATION OF GAMETES;

17 (3) DONATION OF EMBRYOS;

18 (4) IN VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND

19 (5) INTRACYTOPLASMIC SPERM INJECTION.

20 "BIRTH." INCLUDES STILLBIRTH.

21 "CHILD." AN INDIVIDUAL OF ANY AGE WHOSE PARENTAGE MAY BE  
22 DETERMINED UNDER THIS PART.

23 "CHILD-SUPPORT AGENCY." A GOVERNMENT ENTITY, PUBLIC OFFICIAL  
24 OR PRIVATE AGENCY AUTHORIZED TO PROVIDE PARENTAGE-ESTABLISHMENT  
25 SERVICES UNDER PART D OF TITLE IV OF THE SOCIAL SECURITY ACT (49  
26 STAT. 620, 42 U.S.C. § 651 ET SEQ.).

27 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

28 "DETERMINATION OF PARENTAGE." ESTABLISHMENT OF A PARENT-  
29 CHILD RELATIONSHIP BY A JUDICIAL OR ADMINISTRATIVE PROCEEDING OR  
30 OTHERWISE UNDER THIS PART.



1 "DONOR." AN INDIVIDUAL WHO PROVIDES GAMETES INTENDED FOR USE  
2 IN ASSISTED REPRODUCTION, WHETHER OR NOT FOR CONSIDERATION. THE  
3 TERM DOES NOT INCLUDE:

4 (1) AN INDIVIDUAL WHO GIVES BIRTH TO A CHILD CONCEIVED  
5 BY ASSISTED REPRODUCTION, EXCEPT AS OTHERWISE PROVIDED IN  
6 CHAPTER 98 (RELATING TO SURROGACY AGREEMENT); OR

7 (2) A PARENT UNDER CHAPTER 97 (RELATING TO ASSISTED  
8 REPRODUCTION) OR AN INTENDED PARENT UNDER CHAPTER 98.

9 "GAMETE." A SPERM OR AN EGG.

10 "GENETIC TESTING." AN ANALYSIS OF GENETIC MARKERS TO  
11 IDENTIFY OR EXCLUDE A GENETIC RELATIONSHIP.

12 "INTENDED PARENT." AN INDIVIDUAL, MARRIED OR UNMARRIED, WHO  
13 MANIFESTS AN INTENT TO BE LEGALLY BOUND AS A PARENT OF A CHILD  
14 CONCEIVED BY ASSISTED REPRODUCTION.

15 "MINOR." AN UNEMANCIPATED INDIVIDUAL UNDER 18 YEARS OF AGE.

16 "PARENT." AN INDIVIDUAL WHO HAS ESTABLISHED A PARENT-CHILD  
17 RELATIONSHIP UNDER SECTION 9201 (RELATING TO ESTABLISHMENT OF  
18 PARENT-CHILD RELATIONSHIP).

19 "PARENTAGE" OR "PARENT-CHILD RELATIONSHIP." THE LEGAL  
20 RELATIONSHIP BETWEEN A CHILD AND A PARENT OF THE CHILD.

21 "PETITION." A PLEADING WHICH COMMENCES AN ACTION UNDER THIS  
22 PART.

23 "PRESUMED PARENT." AN INDIVIDUAL WHO, UNDER SECTION 9204  
24 (RELATING TO PRESUMPTION OF PARENTAGE), IS PRESUMED TO BE A  
25 PARENT OF A CHILD, UNLESS THE PRESUMPTION IS OVERCOME IN A  
26 JUDICIAL PROCEEDING, A VALID DENIAL OF PARENTAGE IS MADE UNDER  
27 CHAPTER 93 OR A COURT ADJUDICATES THE INDIVIDUAL TO BE A PARENT.

28 "RECORD." INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM  
29 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS  
30 RETRIEVABLE IN PERCEIVABLE FORM.

1 "SIGN." WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A  
2 RECORD:

3 (1) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

4 (2) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD  
5 AN ELECTRONIC SYMBOL, SOUND OR PROCESS.

6 "SIGNATORY." AN INDIVIDUAL WHO SIGNS A RECORD.

7 "STATE." A STATE OF THE UNITED STATES, THE DISTRICT OF  
8 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR ANY  
9 TERRITORY OR INSULAR POSSESSION UNDER THE JURISDICTION OF THE  
10 UNITED STATES. THE TERM INCLUDES A FEDERALLY RECOGNIZED INDIAN  
11 TRIBE.

12 "TRANSFER." A PROCEDURE FOR ASSISTED REPRODUCTION BY WHICH A  
13 GAMETE OR EMBRYO IS PLACED IN THE BODY OF AN INDIVIDUAL WHO WILL  
14 GIVE BIRTH TO A CHILD.

15 "WITNESSED." AT LEAST ONE INDIVIDUAL WHO IS AUTHORIZED TO  
16 SIGN HAS SIGNED A RECORD TO VERIFY THAT THE INDIVIDUAL  
17 PERSONALLY OBSERVED A SIGNATORY SIGN THE RECORD.

18 § 9103. SCOPE OF PART.

19 (A) GENERAL RULE.--THIS PART APPLIES TO AN ADJUDICATION OR  
20 DETERMINATION OF PARENTAGE.

21 (B) CONSTRUCTION.--THIS PART DOES NOT CREATE, AFFECT,  
22 ENLARGE OR DIMINISH PARENTAL RIGHTS OR DUTIES UNDER THE LAW OF  
23 THIS COMMONWEALTH OTHER THAN THIS PART.

24 (C) INCONSISTENCY.--EXCEPT AS OTHERWISE PROVIDED IN THIS  
25 PART, IF THERE IS AN INCONSISTENCY BETWEEN A PROVISION OF THIS  
26 PART AND ANOTHER STATUTORY PROVISION, THE PROVISION OF THIS PART  
27 PREVAILS.

28 § 9104. APPLICABLE LAW.

29 THE COURT SHALL APPLY THE LAW OF THIS COMMONWEALTH TO  
30 ADJUDICATE PARENTAGE. THE APPLICABLE LAW DOES NOT DEPEND ON:



1 THE CHILD, UNLESS THE PRESUMPTION IS OVERCOME IN A JUDICIAL  
2 PROCEEDING OR A VALID DENIAL OF PARENTAGE IS MADE UNDER  
3 CHAPTER 93 (RELATING TO VOLUNTARY ACKNOWLEDGMENT OF  
4 PARENTAGE);

5 (3) THE INDIVIDUAL IS ADJUDICATED A PARENT OF THE CHILD  
6 UNDER CHAPTER 96 (RELATING TO PROCEEDING TO ADJUDICATE  
7 PARENTAGE);

8 (4) THE INDIVIDUAL ADOPTS THE CHILD;

9 (5) THE INDIVIDUAL ACKNOWLEDGES PARENTAGE OF THE CHILD  
10 UNDER CHAPTER 93, UNLESS THE ACKNOWLEDGMENT IS RESCINDED  
11 UNDER SECTION 9308 (RELATING TO PROCEDURE FOR RESCISSION) OR  
12 SUCCESSFULLY CHALLENGED UNDER CHAPTER 93 OR 96;

13 (6) THE INDIVIDUAL'S PARENTAGE OF THE CHILD IS  
14 ESTABLISHED UNDER CHAPTER 97 (RELATING TO ASSISTED  
15 REPRODUCTION); OR

16 (7) THE INDIVIDUAL'S PARENTAGE OF THE CHILD IS  
17 ESTABLISHED UNDER CHAPTER 98.

18 § 9202. NO DISCRIMINATION.

19 A PARENT-CHILD RELATIONSHIP EXTENDS EQUALLY TO EVERY CHILD  
20 AND PARENT, REGARDLESS OF THE MARITAL STATUS OR GENDER OF THE  
21 PARENT OR THE CIRCUMSTANCES OF THE CHILD'S BIRTH.

22 § 9203. CONSEQUENCES OF ESTABLISHING PARENTAGE.

23 UNLESS PARENTAL RIGHTS ARE TERMINATED, A PARENT-CHILD  
24 RELATIONSHIP ESTABLISHED UNDER THIS PART APPLIES FOR ALL  
25 PURPOSES.

26 § 9204. PRESUMPTION OF PARENTAGE.

27 (A) GENERAL RULE.--AN INDIVIDUAL IS PRESUMED TO BE A PARENT  
28 OF A CHILD IF:

29 (1) WHEN THE CHILD WAS BORN:

30 (I) THAT INDIVIDUAL AND THE INDIVIDUAL WHO GAVE

1 BIRTH TO THE CHILD WERE MARRIED TO EACH OTHER, REGARDLESS  
2 OF WHETHER THE MARRIAGE WAS VALID OR COULD LATER BE  
3 DECLARED INVALID; AND

4 (II) THERE IS NO ACTIVE PETITION FOR DIVORCE,  
5 DISSOLUTION OR ANNULMENT ; OR

6 (2) DURING THE TIME THE CHILD WAS A MINOR, THAT  
7 INDIVIDUAL RESIDED IN THE SAME HOUSEHOLD AS THE CHILD AND:

8 (I) OPENLY HELD OUT THE CHILD AS THAT INDIVIDUAL'S  
9 CHILD; OR

10 (II) PROVIDED SUPPORT FOR THE CHILD.

11 (B) EFFECT OF PRESUMPTION OF PARENTAGE.--A PRESUMPTION OF  
12 PARENTAGE UNDER THIS SECTION MAY BE OVERCOME AND COMPETING  
13 CLAIMS TO PARENTAGE MAY BE RESOLVED ONLY BY AN ADJUDICATION  
14 UNDER CHAPTER 96 (RELATING TO PROCEEDING TO ADJUDICATE  
15 PARENTAGE) OR A VALID DENIAL OF PARENTAGE UNDER CHAPTER 93  
16 (RELATING TO VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE).

17 CHAPTER 93

18 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

19 SEC.

20 9301. ACKNOWLEDGMENT OF PARENTAGE.

21 9302. EXECUTION OF ACKNOWLEDGMENT OF PARENTAGE.

22 9303. DENIAL OF PARENTAGE.

23 9304. RULES FOR ACKNOWLEDGMENT OR DENIAL OF PARENTAGE.

24 9305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PARENTAGE.

25 9306. NO FILING FEE.

26 9307. RATIFICATION BARRED.

27 9308. PROCEDURE FOR RESCISSION.

28 9309. CHALLENGE AFTER EXPIRATION OF PERIOD FOR RESCISSION.

29 9310. PROCEDURE FOR CHALLENGE BY SIGNATORY.

30 9311. FULL FAITH AND CREDIT.

1 9312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PARENTAGE.

2 9313. RELEASE OF INFORMATION.

3 9314. ADOPTION OF RULES.

4 § 9301. ACKNOWLEDGMENT OF PARENTAGE.

5 (A) WHO MAY SIGN ACKNOWLEDGMENT.--EXCEPT AS PROVIDED IN  
6 SUBSECTION (C), THE INDIVIDUAL WHO GAVE BIRTH TO A CHILD AND ANY  
7 OF THE FOLLOWING MAY SIGN AN ACKNOWLEDGMENT OF PARENTAGE TO  
8 ESTABLISH THE PARENTAGE OF THE CHILD:

9 (1) A PRESUMED PARENT OF THE CHILD.

10 (2) AN ALLEGED GENETIC PARENT OF THE CHILD.

11 (3) AN INTENDED PARENT OF THE CHILD.

12 (B) OPPORTUNITY TO COMPLETE AND SIGN ACKNOWLEDGMENT.--IF A  
13 CHILD IS BORN IN A HOSPITAL, BIRTHING CENTER OR OTHER FACILITY,  
14 AN AGENT OF THE FACILITY SHALL PROVIDE THE INDIVIDUAL WHO GAVE  
15 BIRTH TO THE CHILD AND ANY OF THE OTHER INDIVIDUALS LISTED IN  
16 SUBSECTION (A) SEEKING TO ESTABLISH A PARENT-CHILD RELATIONSHIP  
17 WITH THE CHILD WITH A FORM ACKNOWLEDGMENT OF PARENTAGE AND AN  
18 OPPORTUNITY TO COMPLETE AND SIGN THE FORM AND HAVE THEIR  
19 SIGNATURES ATTESTED OR WITNESSED AS REQUIRED UNDER SECTION  
20 9302(A)(1) (RELATING TO EXECUTION OF ACKNOWLEDGMENT OF  
21 PARENTAGE).

22 (C) ACKNOWLEDGMENT NOT SIGNED BY INDIVIDUAL WHO GAVE  
23 BIRTH.--IF THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD REFUSES TO  
24 SIGN AN ACKNOWLEDGMENT OF PARENTAGE UNDER THIS SECTION, THE  
25 DEPARTMENT OF HUMAN SERVICES SHALL ACCEPT FOR FILING THE  
26 ACKNOWLEDGMENT OF PARENTAGE AND INDEX THE ACKNOWLEDGMENT AS A  
27 CLAIM OF PARENTAGE BY THE OTHER INDIVIDUAL SEEKING TO ESTABLISH  
28 THE PARENTAGE OF THE CHILD. THE FILING AND INDEXING SHALL NOT  
29 CONFER ON THE OTHER INDIVIDUAL ANY RIGHTS REGARDING THE CHILD  
30 EXCEPT THAT THE OTHER INDIVIDUAL IS ENTITLED TO NOTICE OF ANY

1 PROCEEDING BROUGHT TO TERMINATE ANY PARENTAL RIGHTS TO THE CHILD  
2 PROVIDED BY OTHER LAW.

3 (D) CERTIFICATIONS.--THE DEPARTMENT OF HUMAN SERVICES SHALL  
4 PROVIDE NECESSARY CERTIFICATIONS UNDER PART III (RELATING TO  
5 ADOPTION) AS TO WHETHER ANY ACKNOWLEDGMENT OR CLAIM OF PARENTAGE  
6 HAS BEEN FILED IN REGARD TO A CHILD WHO IS A PROSPECTIVE  
7 ADOPTIVE CHILD.

8 § 9302. EXECUTION OF ACKNOWLEDGMENT OF PARENTAGE.

9 (A) GENERAL RULE.--AN ACKNOWLEDGMENT OF PARENTAGE UNDER  
10 SECTION 9301 (RELATING TO ACKNOWLEDGMENT OF PARENTAGE) MUST:

11 (1) BE IN A RECORD SIGNED BY THE INDIVIDUAL WHO GAVE  
12 BIRTH TO THE CHILD AND BY THE INDIVIDUAL SEEKING TO ESTABLISH  
13 PARENTAGE, AND THE SIGNATURES MUST BE ATTESTED BY A NOTARIAL  
14 OFFICER OR WITNESSED;

15 (2) STATE THAT THE CHILD WHOSE PARENTAGE IS BEING  
16 ACKNOWLEDGED:

17 (I) DOES NOT HAVE A PRESUMED PARENT OTHER THAN THE  
18 INDIVIDUAL SEEKING TO ESTABLISH PARENTAGE OF THE CHILD OR  
19 HAS A PRESUMED PARENT WHOSE FULL NAME IS STATED; AND

20 (II) DOES NOT HAVE ANOTHER ACKNOWLEDGED PARENT,  
21 ADJUDICATED PARENT OR INDIVIDUAL WHO IS A PARENT OF THE  
22 CHILD UNDER CHAPTER 97 (RELATING TO ASSISTED  
23 REPRODUCTION) OR 98 (RELATING TO SURROGACY AGREEMENT)  
24 OTHER THAN THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD;  
25 AND

26 (3) STATE THAT THE SIGNATORIES UNDERSTAND THAT THE  
27 ACKNOWLEDGMENT IS THE EQUIVALENT OF AN ADJUDICATION OF  
28 PARENTAGE OF THE CHILD AND THAT A CHALLENGE TO THE  
29 ACKNOWLEDGMENT IS PERMITTED ONLY UNDER LIMITED CIRCUMSTANCES  
30 AND IS BARRED TWO YEARS AFTER THE EFFECTIVE DATE OF THE

1 ACKNOWLEDGMENT.

2 (B) VOID ACKNOWLEDGMENT OF PARENTAGE.--AN ACKNOWLEDGMENT OF  
3 PARENTAGE IS VOID IF, AT THE TIME OF SIGNING:

4 (1) AN INDIVIDUAL OTHER THAN THE INDIVIDUAL SEEKING TO  
5 ESTABLISH PARENTAGE IS A PRESUMED PARENT, UNLESS A DENIAL OF  
6 PARENTAGE BY THE PRESUMED PARENT IN A SIGNED RECORD IS FILED  
7 WITH THE DEPARTMENT OF HUMAN SERVICES; OR

8 (2) AN INDIVIDUAL, OTHER THAN THE INDIVIDUAL WHO GAVE  
9 BIRTH TO THE CHILD OR THE INDIVIDUAL SEEKING TO ESTABLISH  
10 PARENTAGE, IS AN ACKNOWLEDGED OR ADJUDICATED PARENT OR A  
11 PARENT UNDER CHAPTER 97 OR 98.

12 § 9303. DENIAL OF PARENTAGE.

13 A PRESUMED PARENT OR ALLEGED GENETIC PARENT MAY SIGN A DENIAL  
14 OF PARENTAGE IN A RECORD. THE DENIAL OF PARENTAGE IS VALID ONLY  
15 IF:

16 (1) AN ACKNOWLEDGMENT OF PARENTAGE BY ANOTHER INDIVIDUAL  
17 IS FILED UNDER SECTION 9305 (RELATING TO EFFECT OF  
18 ACKNOWLEDGMENT OR DENIAL OF PARENTAGE);

19 (2) THE SIGNATURES ARE ATTESTED BY A NOTARIAL OFFICER OR  
20 WITNESSED; AND

21 (3) THE PRESUMED PARENT OR ALLEGED GENETIC PARENT HAS  
22 NOT PREVIOUSLY:

23 (I) COMPLETED A VALID ACKNOWLEDGMENT OF PARENTAGE,  
24 UNLESS THE PREVIOUS ACKNOWLEDGMENT WAS RESCINDED UNDER  
25 SECTION 9308 (RELATING TO PROCEDURE FOR RESCISSION) OR  
26 CHALLENGED SUCCESSFULLY UNDER SECTION 9309 (RELATING TO  
27 CHALLENGE AFTER EXPIRATION OF PERIOD FOR RESCISSION); OR

28 (II) BEEN ADJUDICATED TO BE A PARENT OF THE CHILD.

29 § 9304. RULES FOR ACKNOWLEDGMENT OR DENIAL OF PARENTAGE.

30 (A) GENERAL RULE.--AN ACKNOWLEDGMENT OF PARENTAGE AND A



1 DENIAL OF PARENTAGE MAY BE CONTAINED IN A SINGLE RECORD OR MAY  
2 BE IN COUNTERPARTS AND MAY BE FILED WITH THE DEPARTMENT OF HUMAN  
3 SERVICES SEPARATELY OR SIMULTANEOUSLY. IF FILING OF THE  
4 ACKNOWLEDGMENT AND DENIAL BOTH ARE REQUIRED UNDER THIS PART,  
5 NEITHER IS EFFECTIVE UNTIL BOTH ARE FILED.

6 (B) TIME PERIOD FOR SIGNING.--AN ACKNOWLEDGMENT OF PARENTAGE  
7 OR DENIAL OF PARENTAGE MAY BE SIGNED BEFORE OR AFTER THE BIRTH  
8 OF THE CHILD.

9 (C) EFFECTIVE DATE.--SUBJECT TO SUBSECTION (A), AN  
10 ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE TAKES EFFECT  
11 ON THE BIRTH OF THE CHILD OR FILING OF THE RECORD WITH THE  
12 DEPARTMENT OF HUMAN SERVICES, WHICHEVER OCCURS LATER.

13 (D) VALIDITY.--AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF  
14 PARENTAGE SIGNED BY A MINOR IS VALID IF THE ACKNOWLEDGMENT  
15 COMPLIES WITH THIS PART.

16 § 9305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PARENTAGE.

17 (A) ACKNOWLEDGMENT OF PARENTAGE.--EXCEPT AS OTHERWISE  
18 PROVIDED IN SECTIONS 9308 (RELATING TO PROCEDURE FOR RESCISSION)  
19 AND 9309 (RELATING TO CHALLENGE AFTER EXPIRATION OF PERIOD FOR  
20 RESCISSION), AN ACKNOWLEDGMENT OF PARENTAGE THAT COMPLIES WITH  
21 THIS CHAPTER AND IS FILED WITH THE DEPARTMENT OF HUMAN SERVICES  
22 IS EQUIVALENT TO AN ADJUDICATION OF PARENTAGE OF THE CHILD AND  
23 CONFERS ON THE ACKNOWLEDGED PARENT ALL RIGHTS AND DUTIES OF A  
24 PARENT.

25 (B) DENIAL OF PARENTAGE.--EXCEPT AS OTHERWISE PROVIDED IN  
26 SECTIONS 9308 AND 9309, A DENIAL OF PARENTAGE WHICH COMPLIES  
27 WITH THIS CHAPTER AND IS FILED WITH THE DEPARTMENT OF HUMAN  
28 SERVICES WITH AN ACKNOWLEDGMENT OF PARENTAGE THAT COMPLIES WITH  
29 THIS CHAPTER IS EQUIVALENT TO AN ADJUDICATION THAT THE PRESUMED  
30 PARENT OR ALLEGED GENETIC PARENT IS NOT A PARENT AND IS

1 DISCHARGED FROM ALL RIGHTS AND DUTIES OF A PARENT.

2 § 9306. NO FILING FEE.

3 THE DEPARTMENT OF HUMAN SERVICES MAY NOT CHARGE A FEE FOR  
4 FILING AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE.

5 § 9307. RATIFICATION BARRED.

6 A COURT CONDUCTING A JUDICIAL PROCEEDING OR AN ADMINISTRATIVE  
7 AGENCY CONDUCTING AN ADMINISTRATIVE PROCEEDING IS NOT REQUIRED  
8 OR PERMITTED TO RATIFY AN UNCHALLENGED ACKNOWLEDGMENT OF  
9 PARENTAGE.

10 § 9308. PROCEDURE FOR RESCISSION.

11 (A) GENERAL RULE.--A SIGNATORY MAY RESCIND AN ACKNOWLEDGMENT  
12 OF PARENTAGE OR DENIAL OF PARENTAGE BY FILING WITH THE  
13 DEPARTMENT OF HUMAN SERVICES A RESCISSION IN A SIGNED RECORD  
14 WHICH IS ATTESTED BY A NOTARIAL OFFICER OR WITNESSED. THE FILING  
15 MUST OCCUR BEFORE THE EARLIER OF:

16 (1) SIXTY DAYS AFTER THE EFFECTIVE DATE UNDER SECTION  
17 9304 (RELATING TO RULES FOR ACKNOWLEDGMENT OR DENIAL OF  
18 PARENTAGE) OF THE ACKNOWLEDGMENT OR DENIAL; OR

19 (2) THE DATE OF THE FIRST HEARING BEFORE A COURT IN A  
20 PROCEEDING, TO WHICH THE SIGNATORY IS A PARTY, TO ADJUDICATE  
21 AN ISSUE RELATING TO THE CHILD, INCLUDING A PROCEEDING THAT  
22 ESTABLISHES SUPPORT.

23 (B) ASSOCIATED DENIAL OF PARENTAGE.--IF AN ACKNOWLEDGMENT OF  
24 PARENTAGE IS RESCINDED UNDER SUBSECTION (A), AN ASSOCIATED  
25 DENIAL OF PARENTAGE IS INVALID, AND THE DEPARTMENT OF HUMAN  
26 SERVICES SHALL NOTIFY THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD  
27 AND THE INDIVIDUAL WHO SIGNED A DENIAL OF PARENTAGE OF THE CHILD  
28 THAT THE ACKNOWLEDGMENT HAS BEEN RESCINDED. FAILURE TO GIVE THE  
29 NOTICE REQUIRED BY THIS SUBSECTION DOES NOT AFFECT THE VALIDITY  
30 OF THE RESCISSION.

1 § 9309. CHALLENGE AFTER EXPIRATION OF PERIOD FOR RESCISSION.

2 (A) SIGNATORIES.--AFTER THE PERIOD FOR RESCISSION UNDER  
3 SECTION 9308 (RELATING TO PROCEDURE FOR RESCISSION) EXPIRES, BUT  
4 NOT LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE UNDER SECTION  
5 9304 (RELATING TO RULES FOR ACKNOWLEDGMENT OR DENIAL OF  
6 PARENTAGE) OF AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF  
7 PARENTAGE, A SIGNATORY OF THE ACKNOWLEDGMENT OR DENIAL MAY  
8 COMMENCE A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OR DENIAL,  
9 INCLUDING A CHALLENGE BROUGHT UNDER SECTION 9614 (RELATING TO  
10 PRECLUDING ESTABLISHMENT OF PARENTAGE BY PERPETRATOR OF SEXUAL  
11 ASSAULT), ONLY ON THE BASIS OF FRAUD, DURESS OR MATERIAL MISTAKE  
12 OF FACT.

13 (B) NONSIGNATORIES.--A CHALLENGE TO AN ACKNOWLEDGMENT OF  
14 PARENTAGE OR DENIAL OF PARENTAGE BY AN INDIVIDUAL WHO WAS NOT A  
15 SIGNATORY TO THE ACKNOWLEDGMENT OR DENIAL IS GOVERNED BY SECTION  
16 9610 (RELATING TO ADJUDICATING PARENTAGE OF CHILD WITH  
17 ACKNOWLEDGED PARENT).

18 § 9310. PROCEDURE FOR CHALLENGE BY SIGNATORY.

19 (A) PARTIES.--EVERY SIGNATORY TO AN ACKNOWLEDGMENT OF  
20 PARENTAGE AND ANY RELATED DENIAL OF PARENTAGE MUST BE MADE A  
21 PARTY TO A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OR DENIAL.

22 (B) PERSONAL JURISDICTION.--BY SIGNING AN ACKNOWLEDGMENT OF  
23 PARENTAGE OR DENIAL OF PARENTAGE, A SIGNATORY SUBMITS TO  
24 PERSONAL JURISDICTION IN THIS COMMONWEALTH IN A PROCEEDING TO  
25 CHALLENGE THE ACKNOWLEDGMENT OR DENIAL, EFFECTIVE ON THE FILING  
26 OF THE ACKNOWLEDGMENT OR DENIAL WITH THE DEPARTMENT OF HUMAN  
27 SERVICES.

28 (C) SUSPENSION OF LEGAL RESPONSIBILITIES.--THE COURT MAY NOT  
29 SUSPEND THE LEGAL RESPONSIBILITIES ARISING FROM AN  
30 ACKNOWLEDGMENT OF PARENTAGE, INCLUDING THE DUTY TO PAY CHILD

1 SUPPORT, DURING THE PENDENCY OF A PROCEEDING TO CHALLENGE THE  
2 ACKNOWLEDGMENT OR A RELATED DENIAL OF PARENTAGE, UNLESS THE  
3 PARTY CHALLENGING THE ACKNOWLEDGMENT OR DENIAL SHOWS GOOD CAUSE.

4 (D) BURDEN OF PROOF.--A PARTY CHALLENGING AN ACKNOWLEDGMENT  
5 OF PARENTAGE OR DENIAL OF PARENTAGE HAS THE BURDEN OF PROOF.

6 (E) ORDER TO AMEND BIRTH RECORD.--IF THE COURT DETERMINES  
7 THAT A PARTY HAS SATISFIED THE BURDEN OF PROOF UNDER SUBSECTION  
8 (D), THE COURT SHALL ORDER THE DEPARTMENT TO AMEND THE BIRTH  
9 RECORD OF THE CHILD TO REFLECT THE LEGAL PARENTAGE OF THE CHILD.

10 (F) CONDUCT OF PROCEEDINGS.--A PROCEEDING TO CHALLENGE AN  
11 ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE MUST BE  
12 CONDUCTED UNDER CHAPTER 96 (RELATING TO PROCEEDING TO ADJUDICATE  
13 PARENTAGE).

14 § 9311. FULL FAITH AND CREDIT.

15 THE COURT SHALL GIVE FULL FAITH AND CREDIT TO AN  
16 ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE EFFECTIVE IN  
17 ANOTHER STATE IF THE ACKNOWLEDGMENT OR DENIAL IS IN A SIGNED  
18 RECORD AND OTHERWISE COMPLIES WITH THE LAW OF THE OTHER STATE.

19 § 9312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PARENTAGE.

20 (A) DUTY TO PRESCRIBE FORMS.--THE DEPARTMENT OF HUMAN  
21 SERVICES SHALL PRESCRIBE FORMS FOR AN ACKNOWLEDGMENT OF  
22 PARENTAGE, DENIAL OF PARENTAGE, RESCISSION OF ACKNOWLEDGMENT AND  
23 RESCISSION OF DENIAL.

24 (B) EFFECT OF LATER MODIFICATION.--A VALID ACKNOWLEDGMENT OF  
25 PARENTAGE OR DENIAL OF PARENTAGE IS NOT AFFECTED BY A LATER  
26 MODIFICATION OF THE FORM UNDER SUBSECTION (A).

27 § 9313. RELEASE OF INFORMATION.

28 THE DEPARTMENT OF HUMAN SERVICES MAY RELEASE INFORMATION  
29 RELATING TO AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF  
30 PARENTAGE TO A SIGNATORY OF THE ACKNOWLEDGMENT OR DENIAL, COURT,

1 CHILD 18 YEARS OF AGE OR OLDER WHO IS THE SUBJECT OF THE  
2 ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE, FEDERAL  
3 AGENCY AND CHILD-SUPPORT AGENCY OF THIS OR ANOTHER STATE.  
4 § 9314. ADOPTION OF RULES.

5 THE DEPARTMENT OF HUMAN SERVICES MAY ADOPT RULES TO IMPLEMENT  
6 THIS CHAPTER.

7 CHAPTER 94

8 (RESERVED)

9 CHAPTER 95

10 GENETIC TESTING

11 SEC.

12 9501. DEFINITIONS.

13 9502. SCOPE OF CHAPTER; LIMITATION ON USE OF GENETIC TESTING.

14 9503. AUTHORITY TO ORDER OR DENY GENETIC TESTING.

15 9504. REQUIREMENTS FOR GENETIC TESTING.

16 9505. REPORT OF GENETIC TESTING.

17 9506. GENETIC TESTING RESULTS; CHALLENGE TO RESULTS.

18 9507. COST OF GENETIC TESTING.

19 9508. ADDITIONAL GENETIC TESTING.

20 9509. GENETIC TESTING WHEN SPECIMEN NOT AVAILABLE.

21 9510. DECEASED INDIVIDUAL.

22 9511. IDENTICAL SIBLINGS.

23 9512. CONFIDENTIALITY OF GENETIC TESTING.

24 § 9501. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "COMBINED RELATIONSHIP INDEX." THE PRODUCT OF ALL TESTED  
29 RELATIONSHIP INDICES.

30 "ETHNIC OR RACIAL GROUP." FOR THE PURPOSE OF GENETIC

1 TESTING, A RECOGNIZED GROUP OR GROUPS THAT AN INDIVIDUAL  
2 IDENTIFIES AS THE INDIVIDUAL'S ANCESTRY OR PART OF THE ANCESTRY  
3 OR THAT IS IDENTIFIED BY OTHER INFORMATION.

4 "HYPOTHESIZED GENETIC RELATIONSHIP." AN ASSERTED GENETIC  
5 RELATIONSHIP BETWEEN AN INDIVIDUAL AND A CHILD.

6 "PROBABILITY OF PARENTAGE." FOR THE ETHNIC OR RACIAL GROUP  
7 TO WHICH AN INDIVIDUAL ALLEGED TO BE A PARENT BELONGS, THE  
8 PROBABILITY THAT A HYPOTHESIZED GENETIC RELATIONSHIP IS  
9 SUPPORTED, COMPARED TO THE PROBABILITY THAT A GENETIC  
10 RELATIONSHIP IS SUPPORTED BETWEEN THE CHILD AND A RANDOM  
11 INDIVIDUAL OF THE ETHNIC OR RACIAL GROUP USED IN THE  
12 HYPOTHESIZED GENETIC RELATIONSHIP, EXPRESSED AS A PERCENTAGE  
13 INCORPORATING THE COMBINED RELATIONSHIP INDEX AND A PRIOR  
14 PROBABILITY.

15 "RELATIONSHIP INDEX." A LIKELIHOOD RATIO THAT COMPARES THE  
16 PROBABILITY OF A GENETIC MARKER GIVEN A HYPOTHESIZED GENETIC  
17 RELATIONSHIP AND THE PROBABILITY OF THE GENETIC MARKER GIVEN A  
18 GENETIC RELATIONSHIP BETWEEN THE CHILD AND A RANDOM INDIVIDUAL  
19 OF THE ETHNIC OR RACIAL GROUP USED IN THE HYPOTHESIZED GENETIC  
20 RELATIONSHIP.

21 § 9502. SCOPE OF CHAPTER; LIMITATION ON USE OF GENETIC TESTING.

22 (A) GENERAL RULE.--THIS CHAPTER GOVERNS GENETIC TESTING OF  
23 AN INDIVIDUAL IN A PROCEEDING TO ADJUDICATE PARENTAGE, WHETHER  
24 THE INDIVIDUAL:

25 (1) VOLUNTARILY SUBMITS TO TESTING; OR

26 (2) IS TESTED UNDER AN ORDER OF THE COURT OR A CHILD-  
27 SUPPORT AGENCY.

28 (B) PROHIBITED USES.--GENETIC TESTING MAY NOT BE USED:

29 (1) TO CHALLENGE THE PARENTAGE STATUS OF AN INDIVIDUAL  
30 WHO IS A PARENT UNDER CHAPTER 97 (RELATING TO ASSISTED

1 REPRODUCTION) OR 98 (RELATING TO SURROGACY AGREEMENT); OR

2 (2) TO ESTABLISH THE PARENTAGE STATUS OF AN INDIVIDUAL  
3 WHO IS A DONOR.

4 § 9503. AUTHORITY TO ORDER OR DENY GENETIC TESTING.

5 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS  
6 CHAPTER OR CHAPTER 96 (RELATING TO PROCEEDING TO ADJUDICATE  
7 PARENTAGE), IN A PROCEEDING UNDER THIS PART TO DETERMINE  
8 PARENTAGE, THE COURT SHALL ORDER THE CHILD AND ANY OTHER  
9 INDIVIDUAL TO SUBMIT TO GENETIC TESTING IF A REQUEST FOR TESTING  
10 IS SUPPORTED BY THE SWORN STATEMENT OF A PARTY:

11 (1) ALLEGING A REASONABLE POSSIBILITY THAT THE  
12 INDIVIDUAL IS THE CHILD'S GENETIC PARENT; OR

13 (2) DENYING GENETIC PARENTAGE OF THE CHILD AND STATING  
14 FACTS ESTABLISHING A REASONABLE POSSIBILITY THAT THE  
15 INDIVIDUAL IS NOT A GENETIC PARENT.

16 (B) WHEN PERMITTED.--THE COURT OR A CHILD-SUPPORT AGENCY MAY  
17 ORDER GENETIC TESTING ONLY IF THERE IS NO PRESUMED, ACKNOWLEDGED  
18 OR ADJUDICATED PARENT OF A CHILD OTHER THAN THE INDIVIDUAL WHO  
19 GAVE BIRTH TO THE CHILD.

20 (C) IN UTERO GENETIC TESTING PROHIBITED.--THE COURT OR  
21 CHILD-SUPPORT AGENCY MAY NOT ORDER IN UTERO GENETIC TESTING.

22 (D) MULTIPLE INDIVIDUALS.--IF TWO OR MORE INDIVIDUALS ARE  
23 SUBJECT TO COURT-ORDERED GENETIC TESTING, THE COURT MAY ORDER  
24 THAT TESTING BE COMPLETED CONCURRENTLY OR SEQUENTIALLY.

25 (E) SUBJECTS.--GENETIC TESTING OF AN INDIVIDUAL WHO GAVE  
26 BIRTH TO A CHILD IS NOT A CONDITION PRECEDENT TO TESTING OF THE  
27 CHILD AND ANOTHER INDIVIDUAL WHOSE GENETIC PARENTAGE OF THE  
28 CHILD IS BEING DETERMINED. IF THE INDIVIDUAL WHO GAVE BIRTH IS  
29 UNAVAILABLE OR DECLINES TO SUBMIT TO GENETIC TESTING, THE COURT  
30 MAY ORDER GENETIC TESTING OF THE CHILD AND EACH OTHER INDIVIDUAL

1 WHOSE GENETIC PARENTAGE OF THE CHILD IS BEING ADJUDICATED.

2 (F) DISCRETION TO DENY MOTION.--IN A PROCEEDING TO  
3 ADJUDICATE THE PARENTAGE OF A CHILD HAVING A PRESUMED PARENT OR  
4 AN INDIVIDUAL WHO CLAIMS TO BE A PARENT UNDER SECTION 9609  
5 (RELATING TO ADJUDICATING CLAIM OF DE FACTO PARENTAGE OF CHILD),  
6 OR TO CHALLENGE AN ACKNOWLEDGMENT OF PARENTAGE, THE COURT MAY  
7 DENY A MOTION FOR GENETIC TESTING OF THE CHILD AND ANY OTHER  
8 INDIVIDUAL AFTER CONSIDERING THE FACTORS IN SECTION 9613(A) AND  
9 (B) (RELATING TO ADJUDICATING COMPETING CLAIMS OF PARENTAGE).

10 (G) CONDITIONS REQUIRING DENIAL OF MOTION.--IF AN INDIVIDUAL  
11 REQUESTING GENETIC TESTING IS BARRED UNDER CHAPTER 96 FROM  
12 ESTABLISHING THE INDIVIDUAL'S PARENTAGE STATUS, THE COURT SHALL  
13 DENY THE REQUEST FOR GENETIC TESTING.

14 (H) ENFORCEMENT.--AN ORDER UNDER THIS SECTION FOR GENETIC  
15 TESTING IS ENFORCEABLE BY CONTEMPT.  
16 § 9504. REQUIREMENTS FOR GENETIC TESTING.

17 (A) TYPES AUTHORIZED.--GENETIC TESTING MUST BE OF A TYPE  
18 REASONABLY RELIED ON BY EXPERTS IN THE FIELD OF GENETIC TESTING  
19 AND PERFORMED IN A TESTING LABORATORY ACCREDITED BY:

20 (1) THE AABB, FORMERLY KNOWN AS THE AMERICAN ASSOCIATION  
21 OF BLOOD BANKS, OR A SUCCESSOR TO ITS FUNCTIONS; OR

22 (2) AN ACCREDITING BODY DESIGNATED BY THE SECRETARY OF  
23 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

24 (B) SPECIMENS.--A SPECIMEN USED IN GENETIC TESTING MAY  
25 CONSIST OF A SAMPLE OR A COMBINATION OF SAMPLES OF BLOOD, BUCCAL  
26 CELLS, BONE, HAIR OR OTHER BODY TISSUE OR FLUID. THE SPECIMEN  
27 USED IN THE TESTING NEED NOT BE OF THE SAME KIND FOR EACH  
28 INDIVIDUAL UNDERGOING GENETIC TESTING.

29 (C) CALCULATION OF RELATIONSHIP INDEX.--BASED ON THE ETHNIC  
30 OR RACIAL GROUP OF AN INDIVIDUAL UNDERGOING GENETIC TESTING, A



1 TESTING LABORATORY SHALL DETERMINE THE DATABASES FROM WHICH TO  
2 SELECT FREQUENCIES FOR USE IN CALCULATING A RELATIONSHIP INDEX.  
3 IF AN INDIVIDUAL OR A CHILD-SUPPORT AGENCY OBJECTS TO THE  
4 LABORATORY'S CHOICE, THE FOLLOWING RULES APPLY:

5 (1) NOT LATER THAN 30 DAYS AFTER RECEIPT OF THE REPORT  
6 OF THE TEST, THE OBJECTING INDIVIDUAL OR CHILD-SUPPORT AGENCY  
7 MAY REQUEST THE COURT TO REQUIRE THE LABORATORY TO  
8 RECALCULATE THE RELATIONSHIP INDEX USING AN ETHNIC OR RACIAL  
9 GROUP DIFFERENT FROM THAT USED BY THE LABORATORY.

10 (2) THE INDIVIDUAL OR THE CHILD-SUPPORT AGENCY OBJECTING  
11 TO THE LABORATORY'S CHOICE UNDER THIS SUBSECTION SHALL:

12 (I) IF THE REQUESTED FREQUENCIES ARE NOT AVAILABLE  
13 TO THE LABORATORY FOR THE ETHNIC OR RACIAL GROUP  
14 REQUESTED, PROVIDE THE REQUESTED FREQUENCIES COMPILED IN  
15 A MANNER RECOGNIZED BY ACCREDITING BODIES; OR

16 (II) ENGAGE ANOTHER LABORATORY TO PERFORM THE  
17 CALCULATIONS.

18 (3) THE LABORATORY MAY USE ITS OWN STATISTICAL ESTIMATE  
19 IF THERE IS A QUESTION OF WHICH ETHNIC OR RACIAL GROUP IS  
20 APPROPRIATE. THE LABORATORY SHALL CALCULATE THE FREQUENCIES  
21 USING STATISTICS, IF AVAILABLE, FOR ANY OTHER ETHNIC OR  
22 RACIAL GROUP REQUESTED.

23 (D) DISCRETION TO REQUIRE ADDITIONAL GENETIC TESTING.--IF,  
24 AFTER RECALCULATION OF THE RELATIONSHIP INDEX UNDER SUBSECTION  
25 (C) USING A DIFFERENT ETHNIC OR RACIAL GROUP, GENETIC TESTING  
26 UNDER SECTION 9506 (RELATING TO GENETIC TESTING RESULTS;  
27 CHALLENGE TO RESULTS) DOES NOT IDENTIFY AN INDIVIDUAL AS A  
28 GENETIC PARENT OF A CHILD, THE COURT MAY REQUIRE AN INDIVIDUAL  
29 WHO HAS BEEN TESTED TO SUBMIT TO ADDITIONAL GENETIC TESTING TO  
30 IDENTIFY A GENETIC PARENT.

1 § 9505. REPORT OF GENETIC TESTING.

2 (A) REQUIREMENTS.--A REPORT OF GENETIC TESTING MUST BE IN A  
3 RECORD AND SIGNED UNDER PENALTY OF PERJURY BY A DESIGNEE OF THE  
4 TESTING LABORATORY. A REPORT COMPLYING WITH THE REQUIREMENTS OF  
5 THIS CHAPTER IS SELF-AUTHENTICATING.

6 (B) ADMISSIBILITY OF DOCUMENTATION.--DOCUMENTATION FROM A  
7 TESTING LABORATORY OF THE FOLLOWING INFORMATION IS SUFFICIENT TO  
8 ESTABLISH A RELIABLE CHAIN OF CUSTODY AND ALLOW THE RESULTS OF  
9 GENETIC TESTING TO BE ADMISSIBLE WITHOUT TESTIMONY:

10 (1) THE NAME AND PHOTOGRAPH OF EACH INDIVIDUAL WHOSE  
11 SPECIMEN HAS BEEN TAKEN;

12 (2) THE NAME OF THE INDIVIDUAL WHO COLLECTED EACH  
13 SPECIMEN;

14 (3) THE PLACE AND DATE EACH SPECIMEN WAS COLLECTED;

15 (4) THE NAME OF THE INDIVIDUAL WHO RECEIVED EACH  
16 SPECIMEN IN THE TESTING LABORATORY; AND

17 (5) THE DATE EACH SPECIMEN WAS RECEIVED.

18 § 9506. GENETIC TESTING RESULTS; CHALLENGE TO RESULTS.

19 (A) GENERAL RULE.--SUBJECT TO A CHALLENGE UNDER SUBSECTION

20 (B), AN INDIVIDUAL IS IDENTIFIED UNDER THIS PART AS A GENETIC  
21 PARENT OF A CHILD IF GENETIC TESTING COMPLIES WITH THIS CHAPTER  
22 AND THE RESULTS OF THE TESTING DISCLOSE:

23 (1) THAT THE INDIVIDUAL HAS AT LEAST A 99% PROBABILITY  
24 OF PARENTAGE, USING A PRIOR PROBABILITY OF 0.50, AS  
25 CALCULATED BY USING THE COMBINED RELATIONSHIP INDEX OBTAINED  
26 IN THE TESTING; AND

27 (2) A COMBINED RELATIONSHIP INDEX OF AT LEAST 100 TO 1.

28 (B) WHEN CHALLENGE PERMITTED.--AN INDIVIDUAL IDENTIFIED  
29 UNDER SUBSECTION (A) AS A GENETIC PARENT OF THE CHILD MAY  
30 CHALLENGE THE GENETIC TESTING RESULTS ONLY BY OTHER GENETIC

1 TESTING SATISFYING THE REQUIREMENTS OF THIS CHAPTER WHICH:

2 (1) EXCLUDES THE INDIVIDUAL AS A GENETIC PARENT OF THE  
3 CHILD; OR

4 (2) IDENTIFIES ANOTHER INDIVIDUAL AS A POSSIBLE GENETIC  
5 PARENT OF THE CHILD OTHER THAN:

6 (I) THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD; OR

7 (II) THE INDIVIDUAL IDENTIFIED UNDER SUBSECTION (A).

8 (C) DISCRETION TO REQUIRE FURTHER GENETIC TESTING.--EXCEPT  
9 AS OTHERWISE PROVIDED IN SECTION 9511 (RELATING TO IDENTICAL  
10 SIBLINGS), IF MORE THAN ONE INDIVIDUAL OTHER THAN THE INDIVIDUAL  
11 WHO GAVE BIRTH IS IDENTIFIED BY GENETIC TESTING AS A POSSIBLE  
12 GENETIC PARENT OF THE CHILD, THE COURT SHALL ORDER EACH  
13 INDIVIDUAL TO SUBMIT TO FURTHER GENETIC TESTING TO IDENTIFY A  
14 GENETIC PARENT.

15 § 9507. COST OF GENETIC TESTING.

16 (A) GENERAL RULE.--SUBJECT TO ASSESSMENT OF FEES UNDER  
17 CHAPTER 96 (RELATING TO PROCEEDING TO ADJUDICATE PARENTAGE),  
18 PAYMENT OF THE COST OF INITIAL GENETIC TESTING MUST BE MADE IN  
19 ADVANCE:

20 (1) BY A CHILD-SUPPORT AGENCY IN A PROCEEDING IN WHICH  
21 THE CHILD-SUPPORT AGENCY PROVIDES SERVICES;

22 (2) BY THE INDIVIDUAL WHO MADE THE REQUEST FOR GENETIC  
23 TESTING;

24 (3) AS AGREED BY THE PARTIES; OR

25 (4) AS ORDERED BY THE COURT.

26 (B) REIMBURSEMENT AUTHORIZED.--IF THE COST OF GENETIC  
27 TESTING IS PAID BY THE CHILD-SUPPORT AGENCY, THE CHILD-SUPPORT  
28 AGENCY MAY SEEK REIMBURSEMENT FROM THE GENETIC PARENT WHOSE  
29 PARENT-CHILD RELATIONSHIP IS ESTABLISHED.

30 § 9508. ADDITIONAL GENETIC TESTING.

1 THE COURT OR CHILD-SUPPORT AGENCY SHALL ORDER ADDITIONAL  
2 GENETIC TESTING ON REQUEST OF AN INDIVIDUAL WHO CONTESTS THE  
3 RESULT OF THE INITIAL TESTING UNDER SECTION 9506 (RELATING TO  
4 GENETIC TESTING RESULTS; CHALLENGE TO RESULTS). IF INITIAL  
5 GENETIC TESTING UNDER SECTION 9506 IDENTIFIES AN INDIVIDUAL AS A  
6 GENETIC PARENT OF THE CHILD, THE COURT OR AGENCY MAY NOT ORDER  
7 ADDITIONAL TESTING UNLESS THE CONTESTING INDIVIDUAL PAYS FOR THE  
8 TESTING IN ADVANCE.

9 § 9509. GENETIC TESTING WHEN SPECIMEN NOT AVAILABLE.

10 (A) INDIVIDUALS SUBJECT TO.--SUBJECT TO SUBSECTION (B), IF A  
11 GENETIC TESTING SPECIMEN IS NOT AVAILABLE FROM AN ALLEGED  
12 GENETIC PARENT OF A CHILD, AN INDIVIDUAL SEEKING GENETIC TESTING  
13 DEMONSTRATES GOOD CAUSE AND THE COURT FINDS THAT THE  
14 CIRCUMSTANCES ARE JUST, THE COURT MAY ORDER ANY OF THE FOLLOWING  
15 INDIVIDUALS TO SUBMIT SPECIMENS FOR GENETIC TESTING:

16 (1) A PARENT OF THE ALLEGED GENETIC PARENT;

17 (2) A SIBLING OF THE ALLEGED GENETIC PARENT;

18 (3) ANOTHER CHILD OF THE ALLEGED GENETIC PARENT AND THE  
19 INDIVIDUAL WHO GAVE BIRTH TO THE OTHER CHILD; AND

20 (4) ANOTHER RELATIVE OF THE ALLEGED GENETIC PARENT  
21 NECESSARY TO COMPLETE GENETIC TESTING.

22 (B) BALANCING TEST.--TO ISSUE AN ORDER UNDER THIS SECTION,  
23 THE COURT MUST FIND THAT A NEED FOR GENETIC TESTING OUTWEIGHS  
24 THE LEGITIMATE INTERESTS OF THE INDIVIDUAL SOUGHT TO BE TESTED.

25 § 9510. DECEASED INDIVIDUAL.

26 IF AN INDIVIDUAL SEEKING GENETIC TESTING DEMONSTRATES GOOD  
27 CAUSE, THE COURT MAY ORDER GENETIC TESTING OF A DECEASED  
28 INDIVIDUAL.

29 § 9511. IDENTICAL SIBLINGS.

30 (A) GENERAL RULE.--IF THE COURT FINDS THERE IS REASON TO

1 BELIEVE THAT AN ALLEGED GENETIC PARENT HAS AN IDENTICAL SIBLING  
2 AND EVIDENCE THAT THE SIBLING MAY BE A GENETIC PARENT OF THE  
3 CHILD, THE COURT MAY ORDER GENETIC TESTING OF THE SIBLING.

4 (B) NONGENETIC EVIDENCE.--IF MORE THAN ONE SIBLING IS  
5 IDENTIFIED UNDER SECTION 9506 (RELATING TO GENETIC TESTING  
6 RESULTS; CHALLENGE TO RESULTS) AS A GENETIC PARENT OF THE CHILD,  
7 THE COURT MAY RELY ON NONGENETIC EVIDENCE TO ADJUDICATE WHICH  
8 SIBLING IS A GENETIC PARENT OF THE CHILD.

9 § 9512. CONFIDENTIALITY OF GENETIC TESTING.

10 (A) GENERAL RULE.--RELEASE OF A REPORT OF GENETIC TESTING  
11 FOR PARENTAGE IS CONTROLLED BY THE LAW OF THIS COMMONWEALTH  
12 OTHER THAN THIS PART.

13 (B) PENALTY.--AN INDIVIDUAL WHO INTENTIONALLY RELEASES AN  
14 IDENTIFIABLE SPECIMEN OF ANOTHER INDIVIDUAL COLLECTED FOR  
15 GENETIC TESTING UNDER THIS CHAPTER FOR A PURPOSE NOT RELEVANT TO  
16 A PROCEEDING REGARDING PARENTAGE, WITHOUT A COURT ORDER OR  
17 WRITTEN PERMISSION OF THE INDIVIDUAL WHO FURNISHED THE SPECIMEN,  
18 COMMITTS A MISDEMEANOR OF THE THIRD DEGREE.

19 CHAPTER 96

20 PROCEEDING TO ADJUDICATE PARENTAGE

21 SUBCHAPTER

22 A. NATURE OF PROCEEDING

23 B. SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

24 C. HEARING AND ADJUDICATION

25 SUBCHAPTER A

26 NATURE OF PROCEEDING

27 SEC.

28 9601. PROCEEDING AUTHORIZED.

29 9602. STANDING TO MAINTAIN PROCEEDING.

30 9603. NOTICE OF PROCEEDING.

1 9604. PERSONAL JURISDICTION.

2 9605. VENUE.

3 § 9601. PROCEEDING AUTHORIZED.

4 (A) GENERAL RULE.--A PROCEEDING MAY BE COMMENCED TO  
5 ADJUDICATE THE PARENTAGE OF A CHILD. EXCEPT AS OTHERWISE  
6 PROVIDED IN THIS PART, THE PROCEEDING IS GOVERNED BY THE  
7 PENNSYLVANIA RULES OF CIVIL PROCEDURE.

8 (B) EXCEPTION.--A PROCEEDING TO ADJUDICATE THE PARENTAGE OF  
9 A CHILD BORN UNDER A SURROGACY AGREEMENT IS GOVERNED BY THIS  
10 CHAPTER AND CHAPTER 98 (RELATING TO SURROGACY AGREEMENT).

11 § 9602. STANDING TO MAINTAIN PROCEEDING.

12 EXCEPT AS OTHERWISE PROVIDED IN CHAPTER 93 (RELATING TO  
13 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE) AND SECTIONS 9608  
14 (RELATING TO ADJUDICATING PARENTAGE OF CHILD WITH PRESUMED  
15 PARENT), 9609 (RELATING TO ADJUDICATING CLAIM OF DE FACTO  
16 PARENTAGE OF CHILD), 9610 (RELATING TO ADJUDICATING PARENTAGE OF  
17 CHILD WITH ACKNOWLEDGED PARENT) AND 9611 (RELATING TO  
18 ADJUDICATING PARENTAGE OF CHILD WITH ADJUDICATED PARENT), A  
19 PROCEEDING TO ADJUDICATE PARENTAGE MAY BE MAINTAINED BY:

20 (1) THE CHILD;

21 (2) THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD, UNLESS A  
22 COURT HAS ADJUDICATED THAT THE INDIVIDUAL IS NOT A PARENT;

23 (3) AN INDIVIDUAL WHO IS A PARENT UNDER THIS PART;

24 (4) AN INDIVIDUAL WHOSE PARENTAGE OF THE CHILD IS TO BE  
25 ADJUDICATED;

26 (5) A CHILD-SUPPORT AGENCY;

27 (6) AN ADOPTION AGENCY AUTHORIZED BY THE LAW OF THIS  
28 COMMONWEALTH OTHER THAN THIS PART OR A LICENSED CHILD-  
29 PLACEMENT AGENCY; OR

30 (7) A REPRESENTATIVE AUTHORIZED BY THE LAW OF THIS

1 COMMONWEALTH OTHER THAN THIS PART TO ACT FOR AN INDIVIDUAL  
2 WHO OTHERWISE WOULD BE ENTITLED TO MAINTAIN A PROCEEDING BUT  
3 IS DECEASED, INCAPACITATED OR A MINOR.

4 § 9603. NOTICE OF PROCEEDING.

5 (A) INDIVIDUALS ENTITLED TO NOTICE.--THE PETITIONER SHALL  
6 GIVE NOTICE OF A PROCEEDING TO ADJUDICATE PARENTAGE TO THE  
7 FOLLOWING INDIVIDUALS:

8 (1) THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD, UNLESS A  
9 COURT HAS ADJUDICATED THAT THE INDIVIDUAL IS NOT A PARENT;

10 (2) AN INDIVIDUAL WHO IS A PARENT OF THE CHILD UNDER  
11 THIS PART;

12 (3) A PRESUMED, ACKNOWLEDGED OR ADJUDICATED PARENT OF  
13 THE CHILD; AND

14 (4) AN INDIVIDUAL WHOSE PARENTAGE OF THE CHILD WILL BE  
15 ADJUDICATED.

16 (B) RIGHT TO INTERVENE.--AN INDIVIDUAL ENTITLED TO NOTICE  
17 UNDER SUBSECTION (A) HAS A RIGHT TO INTERVENE IN THE PROCEEDING.

18 (C) EFFECT OF LACK OF NOTICE.--LACK OF NOTICE REQUIRED BY  
19 SUBSECTION (A) DOES NOT RENDER A JUDGMENT VOID. LACK OF NOTICE  
20 DOES NOT PRECLUDE AN INDIVIDUAL ENTITLED TO NOTICE UNDER  
21 SUBSECTION (A) FROM BRINGING A PROCEEDING UNDER SECTION 9611(B)  
22 (RELATING TO ADJUDICATING PARENTAGE OF CHILD WITH ADJUDICATED  
23 PARENT).

24 § 9604. PERSONAL JURISDICTION.

25 (A) GENERAL RULE.--THE COURT MAY ADJUDICATE AN INDIVIDUAL'S  
26 PARENTAGE OF A CHILD ONLY IF THE COURT HAS PERSONAL JURISDICTION  
27 OVER THE INDIVIDUAL.

28 (B) NONRESIDENTS, GUARDIANS AND CONSERVATORS.--A COURT OF  
29 THIS COMMONWEALTH WITH JURISDICTION TO ADJUDICATE PARENTAGE MAY  
30 EXERCISE PERSONAL JURISDICTION OVER A NONRESIDENT INDIVIDUAL, OR

1 THE GUARDIAN OR CONSERVATOR OF THE INDIVIDUAL, IF THE CONDITIONS  
2 PRESCRIBED IN SECTION 7201 (RELATING TO BASES FOR JURISDICTION  
3 OVER NONRESIDENT) ARE SATISFIED.

4 (C) MULTIPLE INDIVIDUALS.--LACK OF JURISDICTION OVER ONE  
5 INDIVIDUAL DOES NOT PRECLUDE THE COURT FROM MAKING AN  
6 ADJUDICATION OF PARENTAGE BINDING ON ANOTHER INDIVIDUAL.  
7 § 9605. VENUE.

8 VENUE FOR A PROCEEDING TO ADJUDICATE PARENTAGE SHALL BE IN  
9 THE COUNTY WHERE:

10 (1) THE ASSISTED REPRODUCTION RESULTING IN THE CHILD  
11 OCCURRED OR WILL OCCUR;

12 (2) THE CHILD IS OR WILL BE BORN;

13 (3) THE CHILD RESIDES OR IS LOCATED;

14 (4) IF THE CHILD DOES NOT RESIDE IN THIS COMMONWEALTH,  
15 THE RESPONDENT RESIDES OR IS LOCATED; OR

16 (5) A PROCEEDING HAS BEEN COMMENCED FOR ADMINISTRATION  
17 OF THE ESTATE OF AN INDIVIDUAL WHO IS OR MAY BE A PARENT  
18 UNDER THIS PART.

19 SUBCHAPTER B

20 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE  
21 SEC.

22 9606. ADMISSIBILITY OF RESULTS OF GENETIC TESTING.

23 9607. ADJUDICATING PARENTAGE OF CHILD WITH ALLEGED GENETIC  
24 PARENT.

25 9608. ADJUDICATING PARENTAGE OF CHILD WITH PRESUMED PARENT.

26 9609. ADJUDICATING CLAIM OF DE FACTO PARENTAGE OF CHILD.

27 9610. ADJUDICATING PARENTAGE OF CHILD WITH ACKNOWLEDGED PARENT.

28 9611. ADJUDICATING PARENTAGE OF CHILD WITH ADJUDICATED PARENT.

29 9612. ADJUDICATING PARENTAGE OF CHILD OF ASSISTED REPRODUCTION.

30 9613. ADJUDICATING COMPETING CLAIMS OF PARENTAGE.



1 9614. PRECLUDING ESTABLISHMENT OF PARENTAGE BY PERPETRATOR OF  
2 SEXUAL ASSAULT.

3 § 9606. ADMISSIBILITY OF RESULTS OF GENETIC TESTING.

4 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN SECTION  
5 9502(B) (RELATING TO SCOPE OF CHAPTER; LIMITATION ON USE OF  
6 GENETIC TESTING), THE COURT SHALL ADMIT A REPORT OF GENETIC  
7 TESTING ORDERED BY THE COURT UNDER SECTION 9503 (RELATING TO  
8 AUTHORITY TO ORDER OR DENY GENETIC TESTING) AS EVIDENCE OF THE  
9 TRUTH OF THE FACTS ASSERTED IN THE REPORT.

10 (B) OBJECTION.--A PARTY MAY OBJECT TO THE ADMISSION OF A  
11 REPORT DESCRIBED IN SUBSECTION (A) NOT LATER THAN 14 DAYS AFTER  
12 THE PARTY RECEIVES THE REPORT. THE PARTY SHALL CITE SPECIFIC  
13 GROUND FOR EXCLUSION.

14 (C) EXPERT TESTIMONY.--A PARTY THAT OBJECTS TO THE RESULTS  
15 OF GENETIC TESTING MAY CALL A GENETIC TESTING EXPERT TO TESTIFY  
16 IN PERSON OR BY ANOTHER METHOD APPROVED BY THE COURT. UNLESS THE  
17 COURT ORDERS OTHERWISE, THE PARTY OFFERING THE TESTIMONY BEARS  
18 THE EXPENSE FOR THE EXPERT TESTIFYING.

19 (D) FACTORS NOT AFFECTING ADMISSIBILITY.--ADMISSIBILITY OF A  
20 REPORT OF GENETIC TESTING IS NOT AFFECTED BY WHETHER THE TESTING  
21 WAS PERFORMED:

22 (1) VOLUNTARILY OR UNDER AN ORDER OF THE COURT OR A  
23 CHILD-SUPPORT AGENCY; OR

24 (2) BEFORE, ON OR AFTER COMMENCEMENT OF THE PROCEEDING.

25 § 9607. ADJUDICATING PARENTAGE OF CHILD WITH ALLEGED GENETIC  
26 PARENT.

27 (A) GENERAL RULE.--A PROCEEDING TO DETERMINE WHETHER AN  
28 ALLEGED GENETIC PARENT WHO IS NOT A PRESUMED PARENT IS A PARENT  
29 OF A CHILD MAY BE COMMENCED:

30 (1) BEFORE THE CHILD BECOMES AN ADULT; OR

1           (2) AFTER THE CHILD BECOMES AN ADULT, BUT ONLY IF THE  
2           CHILD INITIATES THE PROCEEDING.

3           (B) SOLE CLAIMANT.--EXCEPT AS OTHERWISE PROVIDED IN SECTION  
4           9614 (RELATING TO PRECLUDING ESTABLISHMENT OF PARENTAGE BY  
5           PERPETRATOR OF SEXUAL ASSAULT), THIS SUBSECTION APPLIES IN A  
6           PROCEEDING DESCRIBED IN SUBSECTION (A) IF THE INDIVIDUAL WHO  
7           GAVE BIRTH TO THE CHILD IS THE ONLY OTHER INDIVIDUAL WITH A  
8           CLAIM TO PARENTAGE OF THE CHILD. THE COURT SHALL ADJUDICATE AN  
9           ALLEGED GENETIC PARENT TO BE A PARENT OF THE CHILD IF THE  
10          ALLEGED GENETIC PARENT:

11           (1) IS IDENTIFIED UNDER SECTION 9506 (RELATING TO  
12           GENETIC TESTING RESULTS; CHALLENGE TO RESULTS) AS A GENETIC  
13           PARENT OF THE CHILD AND THE IDENTIFICATION IS NOT  
14           SUCCESSFULLY CHALLENGED UNDER SECTION 9506;

15           (2) ADMITS PARENTAGE IN A PLEADING, WHEN MAKING AN  
16           APPEARANCE OR DURING A HEARING, THE COURT ACCEPTS THE  
17           ADMISSION, AND THE COURT DETERMINES THE ALLEGED GENETIC  
18           PARENT TO BE A PARENT OF THE CHILD;

19           (3) DECLINES TO SUBMIT TO GENETIC TESTING ORDERED BY THE  
20           COURT OR A CHILD-SUPPORT AGENCY, IN WHICH CASE THE COURT MAY  
21           ADJUDICATE THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE  
22           CHILD EVEN IF THE ALLEGED GENETIC PARENT DENIES A GENETIC  
23           RELATIONSHIP WITH THE CHILD;

24           (4) IS IN DEFAULT AFTER SERVICE OF PROCESS AND THE COURT  
25           DETERMINES THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE  
26           CHILD; OR

27           (5) IS NEITHER IDENTIFIED NOR EXCLUDED AS A GENETIC  
28           PARENT BY GENETIC TESTING AND, BASED ON OTHER EVIDENCE, THE  
29           COURT DETERMINES THE ALLEGED GENETIC PARENT TO BE A PARENT OF  
30           THE CHILD.

1 (C) MULTIPLE INDIVIDUALS WITH CLAIMS.--EXCEPT AS OTHERWISE  
2 PROVIDED IN SECTION 9614 AND SUBJECT TO OTHER LIMITATIONS IN  
3 THIS CHAPTER, IF IN A PROCEEDING INVOLVING AN ALLEGED GENETIC  
4 PARENT AT LEAST ONE OTHER INDIVIDUAL IN ADDITION TO THE  
5 INDIVIDUAL WHO GAVE BIRTH TO THE CHILD HAS A CLAIM TO PARENTAGE  
6 OF THE CHILD, THE COURT SHALL ADJUDICATE PARENTAGE UNDER SECTION  
7 9613 (RELATING TO ADJUDICATING COMPETING CLAIMS OF PARENTAGE).  
8 § 9608. ADJUDICATING PARENTAGE OF CHILD WITH PRESUMED PARENT.

9 (A) TIME PERIOD FOR COMMENCING.--A PROCEEDING TO DETERMINE  
10 WHETHER A PRESUMED PARENT IS A PARENT OF A CHILD MAY BE  
11 COMMENCED:

12 (1) BEFORE THE CHILD BECOMES AN ADULT; OR  
13 (2) AFTER THE CHILD BECOMES AN ADULT, BUT ONLY IF THE  
14 CHILD INITIATES THE PROCEEDING.

15 (B) EFFECT OF PRESUMPTION OF PARENTAGE.--A PRESUMPTION OF  
16 PARENTAGE UNDER SECTION 9204 (RELATING TO PRESUMPTION OF  
17 PARENTAGE) CANNOT BE OVERCOME AFTER THE CHILD ATTAINS TWO YEARS  
18 OF AGE UNLESS THE COURT DETERMINES:

19 (1) THAT THE PRESUMED PARENT IS NOT A GENETIC PARENT,  
20 NEVER RESIDED WITH THE CHILD AND NEVER HELD OUT THE CHILD AS  
21 THE PRESUMED PARENT'S CHILD; OR

22 (2) THE CHILD HAS MORE THAN ONE PRESUMED PARENT.

23 (C) SOLE CLAIMANT.--EXCEPT AS OTHERWISE PROVIDED IN SECTION  
24 9614 (RELATING TO PRECLUDING ESTABLISHMENT OF PARENTAGE BY  
25 PERPETRATOR OF SEXUAL ASSAULT), THE FOLLOWING RULES APPLY IN A  
26 PROCEEDING TO ADJUDICATE A PRESUMED PARENT'S PARENTAGE OF A  
27 CHILD IF THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD IS THE ONLY  
28 OTHER INDIVIDUAL WITH A CLAIM TO PARENTAGE OF THE CHILD:

29 (1) IF NO PARTY TO THE PROCEEDING CHALLENGES THE  
30 PRESUMED PARENT'S PARENTAGE OF THE CHILD, THE COURT SHALL

1 ADJUDICATE THE PRESUMED PARENT TO BE A PARENT OF THE CHILD.

2 (2) IF THE PRESUMED PARENT IS IDENTIFIED UNDER SECTION  
3 9506 (RELATING TO GENETIC TESTING RESULTS; CHALLENGE TO  
4 RESULTS) AS A GENETIC PARENT OF THE CHILD AND THAT  
5 IDENTIFICATION IS NOT SUCCESSFULLY CHALLENGED UNDER SECTION  
6 9506, THE COURT SHALL ADJUDICATE THE PRESUMED PARENT TO BE A  
7 PARENT OF THE CHILD.

8 (3) IF THE PRESUMED PARENT IS NOT IDENTIFIED UNDER  
9 SECTION 9506 AS A GENETIC PARENT OF THE CHILD AND THE  
10 PRESUMED PARENT OR THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD  
11 CHALLENGES THE PRESUMED PARENT'S PARENTAGE OF THE CHILD, THE  
12 COURT SHALL ADJUDICATE THE PARENTAGE OF THE CHILD IN THE BEST  
13 INTEREST OF THE CHILD BASED ON THE FACTORS UNDER SECTION  
14 9613(A) AND (B) (RELATING TO ADJUDICATING COMPETING CLAIMS OF  
15 PARENTAGE).

16 (D) MULTIPLE INDIVIDUALS WITH CLAIMS.--EXCEPT AS OTHERWISE  
17 PROVIDED IN SECTION 9614 AND SUBJECT TO OTHER LIMITATIONS IN  
18 THIS CHAPTER, IF IN A PROCEEDING TO ADJUDICATE A PRESUMED  
19 PARENT'S PARENTAGE OF A CHILD ANOTHER INDIVIDUAL IN ADDITION TO  
20 THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD ASSERTS A CLAIM TO  
21 PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE PARENTAGE  
22 UNDER SECTION 9613.

23 § 9609. ADJUDICATING CLAIM OF DE FACTO PARENTAGE OF CHILD.

24 (A) INDIVIDUALS ENTITLED TO COMMENCE PROCEEDING.--A  
25 PROCEEDING TO ESTABLISH PARENTAGE OF A CHILD UNDER THIS SECTION  
26 MAY BE COMMENCED ONLY BY AN INDIVIDUAL WHO:

27 (1) IS ALIVE WHEN THE PROCEEDING IS COMMENCED; AND

28 (2) CLAIMS TO BE A DE FACTO PARENT OF THE CHILD.

29 (B) TIME PERIOD FOR COMMENCING.--AN INDIVIDUAL WHO CLAIMS TO  
30 BE A DE FACTO PARENT OF A CHILD MUST COMMENCE A PROCEEDING TO

1 ESTABLISH PARENTAGE OF A CHILD UNDER THIS SECTION:

2 (1) BEFORE THE CHILD ATTAINS 18 YEARS OF AGE; AND

3 (2) WHILE THE CHILD IS ALIVE.

4 (C) STANDING.--THE FOLLOWING RULES GOVERN STANDING OF AN  
5 INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT OF A CHILD TO  
6 MAINTAIN A PROCEEDING UNDER THIS SECTION:

7 (1) THE INDIVIDUAL MUST FILE AN INITIAL VERIFIED  
8 PLEADING ALLEGING SPECIFIC FACTS THAT SUPPORT THE CLAIM TO  
9 PARENTAGE OF THE CHILD ASSERTED UNDER THIS SECTION. THE  
10 VERIFIED PLEADING MUST BE SERVED ON ALL PARENTS AND LEGAL  
11 GUARDIANS OF THE CHILD AND ANY OTHER PARTY TO THE PROCEEDING.

12 (2) AN ADVERSE PARTY, PARENT OR LEGAL GUARDIAN MAY FILE  
13 A PLEADING IN RESPONSE TO THE PLEADING FILED UNDER PARAGRAPH  
14 (1). A RESPONSIVE PLEADING MUST BE VERIFIED AND MUST BE  
15 SERVED ON PARTIES TO THE PROCEEDING.

16 (3) UNLESS THE COURT FINDS A HEARING IS NECESSARY TO  
17 DETERMINE DISPUTED FACTS MATERIAL TO THE ISSUE OF STANDING,  
18 THE COURT SHALL DETERMINE, BASED ON THE PLEADINGS UNDER  
19 PARAGRAPHS (1) AND (2), WHETHER THE INDIVIDUAL HAS ALLEGED  
20 FACTS SUFFICIENT TO SATISFY BY A PREPONDERANCE OF THE  
21 EVIDENCE THE REQUIREMENTS OF SUBSECTION (D). IF THE COURT  
22 HOLDS A HEARING UNDER THIS SUBSECTION, THE HEARING MUST BE  
23 HELD ON AN EXPEDITED BASIS.

24 (D) INDIVIDUAL WITH SOLE CLAIM.--IN A PROCEEDING TO  
25 ADJUDICATE PARENTAGE OF AN INDIVIDUAL WHO CLAIMS TO BE A DE  
26 FACTO PARENT OF THE CHILD, IF THERE IS ONLY ONE OTHER INDIVIDUAL  
27 WHO IS A PARENT OR HAS A CLAIM TO PARENTAGE OF THE CHILD, THE  
28 COURT SHALL ADJUDICATE THE INDIVIDUAL WHO CLAIMS TO BE A DE  
29 FACTO PARENT TO BE A PARENT OF THE CHILD IF THE INDIVIDUAL  
30 DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT:

1           (1) THE INDIVIDUAL RESIDED WITH THE CHILD AS A REGULAR  
2 MEMBER OF THE CHILD'S HOUSEHOLD FOR A SIGNIFICANT PERIOD;

3           (2) THE INDIVIDUAL ENGAGED IN CONSISTENT CARETAKING OF  
4 THE CHILD;

5           (3) THE INDIVIDUAL UNDERTOOK FULL AND PERMANENT  
6 RESPONSIBILITIES OF A PARENT OF THE CHILD WITHOUT EXPECTATION  
7 OF FINANCIAL COMPENSATION OTHER THAN PUBLIC ASSISTANCE;

8           (4) THE INDIVIDUAL HELD OUT THE CHILD AS THE  
9 INDIVIDUAL'S CHILD;

10           (5) THE INDIVIDUAL ESTABLISHED A BONDED AND DEPENDENT  
11 RELATIONSHIP WITH THE CHILD WHICH IS PARENTAL IN NATURE;

12           (6) ANOTHER PARENT OF THE CHILD FOSTERED OR SUPPORTED  
13 THE BONDED AND DEPENDENT RELATIONSHIP REQUIRED UNDER  
14 PARAGRAPH (5); AND

15           (7) CONTINUING THE RELATIONSHIP BETWEEN THE INDIVIDUAL  
16 AND THE CHILD IS IN THE BEST INTEREST OF THE CHILD.

17       (E) MULTIPLE INDIVIDUALS WITH CLAIMS.--SUBJECT TO OTHER  
18 LIMITATIONS IN THIS CHAPTER, IF IN A PROCEEDING TO ADJUDICATE  
19 PARENTAGE OF AN INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT OF  
20 THE CHILD THERE IS MORE THAN ONE OTHER INDIVIDUAL WHO IS A  
21 PARENT OR HAS A CLAIM TO PARENTAGE OF THE CHILD AND THE COURT  
22 DETERMINES THAT THE REQUIREMENTS OF SUBSECTION (D) ARE  
23 SATISFIED, THE COURT SHALL ADJUDICATE PARENTAGE UNDER SECTION  
24 9613 (RELATING TO ADJUDICATING COMPETING CLAIMS OF PARENTAGE).

25       (F) IN LOCO PARENTIS STATUS.--FAILURE TO SEEK TO ESTABLISH  
26 PARENTAGE UNDER THIS SECTION DOES NOT AFFECT AN INDIVIDUAL'S  
27 ABILITY TO SEEK IN LOCO PARENTIS STATUS UNDER LAW OF THIS  
28 COMMONWEALTH OTHER THAN THIS PART.

29       § 9610. ADJUDICATING PARENTAGE OF CHILD WITH ACKNOWLEDGED  
30 PARENT.

1 (A) GENERAL RULE.--IF A CHILD HAS AN ACKNOWLEDGED PARENT, A  
2 PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OF PARENTAGE OR A  
3 DENIAL OF PARENTAGE BROUGHT BY A SIGNATORY TO THE ACKNOWLEDGMENT  
4 OR DENIAL IS GOVERNED BY SECTIONS 9309 (RELATING TO CHALLENGE  
5 AFTER EXPIRATION OF PERIOD FOR RESCISSION) AND 9310 (RELATING TO  
6 PROCEDURE FOR CHALLENGE BY SIGNATORY).

7 (B) PROCEDURE.--IF A CHILD HAS AN ACKNOWLEDGED PARENT, THE  
8 FOLLOWING RULES APPLY IN A PROCEEDING TO CHALLENGE THE  
9 ACKNOWLEDGMENT OF PARENTAGE OR A DENIAL OF PARENTAGE BROUGHT BY  
10 AN INDIVIDUAL, OTHER THAN THE CHILD, WHO HAS STANDING UNDER  
11 SECTION 9602 (RELATING TO STANDING TO MAINTAIN PROCEEDING) AND  
12 WAS NOT A SIGNATORY TO THE ACKNOWLEDGMENT OR DENIAL:

13 (1) THE INDIVIDUAL MUST COMMENCE THE PROCEEDING NOT  
14 LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE  
15 ACKNOWLEDGMENT.

16 (2) THE COURT MAY PERMIT THE PROCEEDING ONLY IF THE  
17 COURT FINDS THAT PERMITTING THE PROCEEDING IS IN THE BEST  
18 INTEREST OF THE CHILD.

19 (3) IF THE COURT PERMITS THE PROCEEDING, THE COURT SHALL  
20 ADJUDICATE PARENTAGE UNDER SECTION 9613 (RELATING TO  
21 ADJUDICATING COMPETING CLAIMS OF PARENTAGE).

22 § 9611. ADJUDICATING PARENTAGE OF CHILD WITH ADJUDICATED  
23 PARENT.

24 (A) GENERAL RULE.--IF A CHILD HAS AN ADJUDICATED PARENT, A  
25 PROCEEDING TO CHALLENGE THE ADJUDICATION, BROUGHT BY AN  
26 INDIVIDUAL WHO WAS A PARTY TO THE ADJUDICATION OR RECEIVED  
27 NOTICE UNDER SECTION 9603 (RELATING TO NOTICE OF PROCEEDING), IS  
28 GOVERNED BY THE RULES GOVERNING A COLLATERAL ATTACK ON A  
29 JUDGMENT.

30 (B) PROCEDURE.--IF A CHILD HAS AN ADJUDICATED PARENT, THE

1 FOLLOWING RULES APPLY TO A PROCEEDING TO CHALLENGE THE  
2 ADJUDICATION OF PARENTAGE BROUGHT BY AN INDIVIDUAL OTHER THAN  
3 THE CHILD WHO HAS STANDING UNDER SECTION 9602 (RELATING TO  
4 STANDING TO MAINTAIN PROCEEDING) AND WAS NOT A PARTY TO THE  
5 ADJUDICATION AND DID NOT RECEIVE NOTICE UNDER SECTION 9603:

6 (1) THE INDIVIDUAL MUST COMMENCE THE PROCEEDING NOT  
7 LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE  
8 ADJUDICATION.

9 (2) THE COURT MAY PERMIT THE PROCEEDING ONLY IF THE  
10 COURT FINDS THAT PERMITTING THE PROCEEDING IS IN THE BEST  
11 INTEREST OF THE CHILD.

12 (3) IF THE COURT PERMITS THE PROCEEDING, THE COURT SHALL  
13 ADJUDICATE PARENTAGE UNDER SECTION 9613 (RELATING TO  
14 ADJUDICATING COMPETING CLAIMS OF PARENTAGE).

15 § 9612. ADJUDICATING PARENTAGE OF CHILD OF ASSISTED  
16 REPRODUCTION.

17 (A) GENERAL RULE.--AN INDIVIDUAL WHO IS A PARENT UNDER  
18 CHAPTER 97 (RELATING TO ASSISTED REPRODUCTION) OR THE INDIVIDUAL  
19 WHO GAVE BIRTH TO THE CHILD MAY BRING A PROCEEDING TO ADJUDICATE  
20 PARENTAGE. IF THE COURT DETERMINES THAT THE INDIVIDUAL IS A  
21 PARENT UNDER CHAPTER 97, THE COURT SHALL ADJUDICATE THE  
22 INDIVIDUAL TO BE A PARENT OF THE CHILD.

23 (B) MULTIPLE INDIVIDUALS WITH CLAIMS.--IN A PROCEEDING TO  
24 ADJUDICATE AN INDIVIDUAL'S PARENTAGE OF A CHILD, IF ANOTHER  
25 INDIVIDUAL OTHER THAN THE INDIVIDUAL WHO GAVE BIRTH TO THE CHILD  
26 IS A PARENT UNDER CHAPTER 97, THE COURT SHALL ADJUDICATE THE  
27 INDIVIDUAL'S PARENTAGE OF THE CHILD UNDER SECTION 9613 (RELATING  
28 TO ADJUDICATING COMPETING CLAIMS OF PARENTAGE).

29 § 9613. ADJUDICATING COMPETING CLAIMS OF PARENTAGE.

30 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN SECTION



1 9614 (RELATING TO PRECLUDING ESTABLISHMENT OF PARENTAGE BY  
2 PERPETRATOR OF SEXUAL ASSAULT), IN A PROCEEDING TO ADJUDICATE  
3 COMPETING CLAIMS OF, OR CHALLENGES UNDER SECTIONS 9608(C)  
4 (RELATING TO ADJUDICATING PARENTAGE OF CHILD WITH PRESUMED  
5 PARENT), 9610 (RELATING TO ADJUDICATING PARENTAGE OF CHILD WITH  
6 ACKNOWLEDGED PARENT) OR 9611 (RELATING TO ADJUDICATING PARENTAGE  
7 OF CHILD WITH ADJUDICATED PARENT) TO PARENTAGE OF A CHILD BY TWO  
8 OR MORE INDIVIDUALS, THE COURT SHALL ADJUDICATE PARENTAGE IN THE  
9 BEST INTEREST OF THE CHILD, BASED ON:

10 (1) THE AGE OF THE CHILD;

11 (2) THE LENGTH OF TIME DURING WHICH EACH INDIVIDUAL  
12 ASSUMED THE ROLE OF PARENT OF THE CHILD;

13 (3) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND  
14 EACH INDIVIDUAL;

15 (4) THE HARM TO THE CHILD IF THE RELATIONSHIP BETWEEN  
16 THE CHILD AND EACH INDIVIDUAL IS NOT RECOGNIZED;

17 (5) THE BASIS FOR EACH INDIVIDUAL'S CLAIM TO PARENTAGE  
18 OF THE CHILD; AND

19 (6) OTHER EQUITABLE FACTORS ARISING FROM THE DISRUPTION  
20 OF THE RELATIONSHIP BETWEEN THE CHILD AND EACH INDIVIDUAL OR  
21 THE LIKELIHOOD OF OTHER HARM TO THE CHILD.

22 (B) FACTORS TO BE CONSIDERED.--IF AN INDIVIDUAL CHALLENGES  
23 PARENTAGE BASED ON THE RESULTS OF GENETIC TESTING, IN ADDITION  
24 TO THE FACTORS LISTED IN SUBSECTION (A), THE COURT SHALL  
25 CONSIDER:

26 (1) THE FACTS SURROUNDING THE DISCOVERY THAT THE  
27 INDIVIDUAL MIGHT NOT BE A GENETIC PARENT OF THE CHILD; AND

28 (2) THE LENGTH OF TIME BETWEEN THE TIME THAT THE  
29 INDIVIDUAL WAS PLACED ON NOTICE THAT THE INDIVIDUAL MIGHT NOT  
30 BE A GENETIC PARENT AND THE COMMENCEMENT OF THE PROCEEDING.

1 (C) ADJUDICATION OF MORE THAN TWO PARENTS.--THE COURT MAY  
2 ADJUDICATE A CHILD TO HAVE MORE THAN TWO PARENTS UNDER THIS PART  
3 IF THE COURT FINDS THAT IT IS IN THE BEST INTEREST OF THE CHILD.  
4 A FINDING OF BEST INTEREST OF THE CHILD DOES NOT REQUIRE A  
5 FINDING OF UNFITNESS OF ANY PARENT OR INDIVIDUAL SEEKING AN  
6 ADJUDICATION OF PARENTAGE.

7 § 9614. PRECLUDING ESTABLISHMENT OF PARENTAGE BY PERPETRATOR OF  
8 SEXUAL ASSAULT.

9 (A) (RESERVED).

10 (B) SEXUAL ASSAULT.--EXCEPT AS PROVIDED IN SUBSECTION (C),  
11 IN A PROCEEDING IN WHICH AN INDIVIDUAL ALLEGES THAT THE  
12 INDIVIDUAL'S PREGNANCY OR THE BIRTH RESULTING FROM THAT  
13 PREGNANCY IS THE RESULT OF A SEXUAL ASSAULT, THE INDIVIDUAL MAY  
14 SEEK TO PRECLUDE THE ALLEGED PERPETRATOR OF THE SEXUAL ASSAULT  
15 FROM ESTABLISHING PARENTAGE OF THE CHILD.

16 (C) NONAPPLICABILITY.--THIS SECTION DOES NOT APPLY IF:

17 (1) THE ALLEGED PERPETRATOR UNDER SUBSECTION (B) HAS  
18 PREVIOUSLY BEEN ADJUDICATED TO BE A PARENT OF THE CHILD; OR

19 (2) AFTER THE BIRTH OF THE CHILD, THE ALLEGED  
20 PERPETRATOR UNDER SUBSECTION (B) ESTABLISHED A BONDED AND  
21 DEPENDENT RELATIONSHIP WITH THE CHILD WHICH IS PARENTAL IN  
22 NATURE.

23 (D) LIMITATION.--UNLESS SECTION 9309 (RELATING TO CHALLENGE  
24 AFTER EXPIRATION OF PERIOD FOR RESCISSION) OR 9607 (RELATING TO  
25 ADJUDICATING PARENTAGE OF CHILD WITH ALLEGED GENETIC PARENT)  
26 APPLIES, A PETITION MAKING AN ALLEGATION UNDER SUBSECTION (B)  
27 MUST BE FILED NOT LATER THAN TWO YEARS AFTER THE BIRTH OF THE  
28 CHILD. THE PETITION MUST BE FILED ONLY IN A PROCEEDING TO  
29 ESTABLISH PARENTAGE UNDER THIS PART.

30 (E) EVIDENTIARY STANDARD.--AN ALLEGATION UNDER SUBSECTION

1 (B) MAY BE PROVED BY:

2 (1) EVIDENCE THAT THE ALLEGED PERPETRATOR UNDER  
3 SUBSECTION (B) WAS CONVICTED OF A SEXUAL ASSAULT, OR A  
4 COMPARABLE CRIME IN ANOTHER JURISDICTION, AGAINST THE  
5 INDIVIDUAL WHO GAVE BIRTH TO THE CHILD AND THE CHILD WAS BORN  
6 NOT LATER THAN 300 DAYS AFTER THE SEXUAL ASSAULT; OR

7 (2) CLEAR AND CONVINCING EVIDENCE THAT THE ALLEGED  
8 PERPETRATOR UNDER SUBSECTION (B) COMMITTED SEXUAL ASSAULT, OR  
9 A COMPARABLE CRIME IN ANOTHER JURISDICTION, AGAINST THE  
10 INDIVIDUAL WHO GAVE BIRTH TO THE CHILD AND THE CHILD WAS BORN  
11 NOT LATER THAN 300 DAYS AFTER THE SEXUAL ASSAULT.

12 (F) DUTY OF COURT.--IF THE COURT DETERMINES THAT AN  
13 ALLEGATION HAS BEEN PROVEN UNDER SUBSECTION (E), THE COURT  
14 SHALL:

15 (1) ADJUDICATE THAT THE ALLEGED PERPETRATOR UNDER  
16 SUBSECTION (B) IS NOT A PARENT OF THE CHILD;

17 (2) REQUIRE THE DEPARTMENT TO AMEND THE BIRTH  
18 CERTIFICATE IF REQUESTED BY THE INDIVIDUAL WHO GAVE BIRTH TO  
19 THE CHILD AND THE COURT DETERMINES THAT THE AMENDMENT IS IN  
20 THE BEST INTEREST OF THE CHILD; AND

21 (3) REQUIRE THE PERPETRATOR UNDER SUBSECTION (B) TO PAY  
22 CHILD SUPPORT, BIRTH-RELATED COSTS OR BOTH, UNLESS THE  
23 INDIVIDUAL WHO GAVE BIRTH TO THE CHILD REQUESTS OTHERWISE AND  
24 THE COURT DETERMINES THAT GRANTING THE REQUEST IS IN THE BEST  
25 INTEREST OF THE CHILD.

26 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SEXUAL  
27 ASSAULT" MEANS THE OFFENSE UNDER 18 PA.C.S. § 3124.1 (RELATING  
28 TO SEXUAL ASSAULT).

29 SUBCHAPTER C

30 HEARING AND ADJUDICATION

1 SEC.

2 9615. TEMPORARY ORDER.

3 9616. COMBINING PROCEEDINGS.

4 9617. PROCEEDING BEFORE BIRTH.

5 9618. CHILD AS PARTY; REPRESENTATION.

6 9619. COURT TO ADJUDICATE PARENTAGE.

7 9620. HEARING; INSPECTION OF RECORDS.

8 9621. DISMISSAL FOR WANT OF PROSECUTION.

9 9622. ORDER ADJUDICATING PARENTAGE.

10 9623. BINDING EFFECT OF DETERMINATION OF PARENTAGE.

11 § 9615. TEMPORARY ORDER.

12 (A) GENERAL RULE.--IN A PROCEEDING UNDER THIS CHAPTER, THE  
13 COURT MAY ISSUE A TEMPORARY ORDER FOR CHILD SUPPORT IF THE ORDER  
14 IS CONSISTENT WITH THE LAW OF THIS COMMONWEALTH OTHER THAN THIS  
15 PART AND THE INDIVIDUAL ORDERED TO PAY SUPPORT IS:

16 (1) A PRESUMED PARENT OF THE CHILD;

17 (2) PETITIONING TO BE ADJUDICATED A PARENT;

18 (3) IDENTIFIED AS A GENETIC PARENT THROUGH GENETIC  
19 TESTING UNDER SECTION 9506 (RELATING TO GENETIC TESTING  
20 RESULTS; CHALLENGE TO RESULTS);

21 (4) AN ALLEGED GENETIC PARENT WHO HAS DECLINED TO SUBMIT  
22 TO GENETIC TESTING;

23 (5) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE A  
24 PARENT OF THE CHILD; OR

25 (6) A 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

1 PROCEEDING UNDER THIS CHAPTER IS AVAILABLE FOR PUBLIC  
2 INSPECTION. OTHER PAPERS AND RECORDS ARE AVAILABLE FOR PUBLIC  
3 INSPECTION ONLY WITH THE CONSENT OF THE PARTIES OR BY COURT  
4 ORDER.

5 § 9621. DISMISSAL FOR WANT OF PROSECUTION.

6 THE COURT MAY DISMISS A PROCEEDING UNDER THIS PART FOR WANT  
7 OF PROSECUTION ONLY WITHOUT PREJUDICE. AN ORDER OF DISMISSAL FOR  
8 WANT OF PROSECUTION PURPORTEDLY WITH PREJUDICE IS VOID AND HAS  
9 ONLY THE EFFECT OF A DISMISSAL WITHOUT PREJUDICE.

10 § 9622. ORDER ADJUDICATING PARENTAGE.

11 (A) IDENTIFICATION OF CHILD.--AN ORDER ADJUDICATING  
12 PARENTAGE MUST IDENTIFY THE CHILD IN A MANNER PROVIDED BY THE  
13 LAW OF THIS COMMONWEALTH OTHER THAN THIS PART.

14 (B) FEES, COSTS AND EXPENSES.--EXCEPT AS OTHERWISE PROVIDED  
15 IN SUBSECTION (C), THE COURT MAY ASSESS FILING FEES, REASONABLE  
16 ATTORNEY FEES, FEES FOR GENETIC TESTING, OTHER COSTS AND  
17 NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN A  
18 PROCEEDING UNDER THIS CHAPTER. ATTORNEY FEES AWARDED UNDER THIS  
19 SUBSECTION MAY BE PAID DIRECTLY TO THE ATTORNEY AND THE ATTORNEY  
20 MAY ENFORCE THE ORDER IN THE ATTORNEY'S OWN NAME.

21 (C) CHILD-SUPPORT AGENCY.--THE COURT MAY NOT ASSESS FEES,  
22 COSTS OR EXPENSES IN A PROCEEDING UNDER THIS CHAPTER AGAINST A  
23 CHILD-SUPPORT AGENCY OF THIS COMMONWEALTH OR ANOTHER STATE,  
24 EXCEPT AS PROVIDED BY THE LAW OF THIS COMMONWEALTH OTHER THAN  
25 THIS PART.

26 (D) ADMISSIBILITY OF GENETIC TESTING AND HEALTH CARE  
27 BILLS.--IN A PROCEEDING UNDER THIS CHAPTER, A COPY OF A BILL FOR  
28 GENETIC TESTING OR PRENATAL OR POSTNATAL HEALTH CARE FOR THE  
29 INDIVIDUAL WHO GAVE BIRTH TO THE CHILD AND THE CHILD PROVIDED TO  
30 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 CHAPTERS 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. PARENTAL STATUS OF DECEASED INDIVIDUAL.

11 § 9701. SCOPE OF CHAPTER.

12 THIS CHAPTER DOES NOT APPLY TO THE BIRTH OF A CHILD CONCEIVED  
13 BY SEXUAL INTERCOURSE OR ASSISTED REPRODUCTION UNDER A SURROGACY  
14 AGREEMENT UNDER CHAPTER 98 (RELATING TO SURROGACY AGREEMENT).

15 § 9702. PARENTAL STATUS OF DONOR.

16 A DONOR IS NOT A PARENT OF A CHILD CONCEIVED BY ASSISTED  
17 REPRODUCTION.

18 § 9703. PARENTAGE OF CHILD OF ASSISTED REPRODUCTION.

19 AN INDIVIDUAL WHO CONSENTS UNDER SECTION 9704 (RELATING TO  
20 CONSENT TO ASSISTED REPRODUCTION) TO ASSISTED REPRODUCTION WITH  
21 ANOTHER INDIVIDUAL WHO AGREES TO GIVE BIRTH TO A CHILD CONCEIVED  
22 BY THE ASSISTED REPRODUCTION WITH THE INTENT TO BE A PARENT OF  
23 THE CHILD IS A PARENT OF THE CHILD.

24 § 9704. CONSENT TO ASSISTED REPRODUCTION.

25 (A) PROOF.--

26 (1) EXCEPT AS PROVIDED IN SUBSECTION (B), CONSENT UNDER  
27 SECTION 9703 (RELATING TO PARENTAGE OF CHILD OF ASSISTED  
28 REPRODUCTION) MUST BE ESTABLISHED:

29 (I) IN A RECORD SIGNED BEFORE, ON OR AFTER THE BIRTH  
30 OF THE CHILD BY THE INDIVIDUAL GIVING BIRTH TO THE CHILD

1 AND BY ANOTHER INDIVIDUAL WHO INTENDS TO BE A PARENT OF  
2 THE CHILD; OR

3 (II) BY BOTH INDIVIDUALS AGREEING, BEFORE CONCEPTION  
4 OR BIRTH OF THE CHILD, THAT THEY WOULD BE PARENTS OF THE  
5 CHILD.

6 (2) (RESERVED).

7 (B) EXCEPTION.--IN THE ABSENCE OF EVIDENCE UNDER SUBSECTION  
8 (A), CONSENT MAY BE ESTABLISHED IF THE COURT FINDS THAT THE  
9 INDIVIDUAL WHO DID NOT GIVE BIRTH TO THE CHILD RESIDED WITH THE  
10 CHILD AFTER BIRTH AND ASSUMED THE ROLE OF A PARENT OF THE CHILD.  
11 § 9705. LIMITATION ON SPOUSE'S DISPUTE OF PARENTAGE.

12 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN  
13 SUBSECTION (B), IF AN INDIVIDUAL WHO GIVES BIRTH TO A CHILD BY  
14 ASSISTED REPRODUCTION HAS A SPOUSE AT THE TIME OF A CHILD'S  
15 BIRTH, THE SPOUSE MAY NOT CHALLENGE THE SPOUSE'S PARENTAGE OF  
16 THE CHILD UNLESS:

17 (1) NOT LATER THAN TWO YEARS AFTER THE BIRTH OF THE  
18 CHILD, THE SPOUSE COMMENCES A PROCEEDING TO ADJUDICATE THE  
19 SPOUSE'S PARENTAGE OF THE CHILD; AND

20 (2) THE COURT FINDS THE SPOUSE DID NOT CONSENT TO THE  
21 ASSISTED REPRODUCTION BEFORE, ON OR AFTER BIRTH OF THE CHILD  
22 OR WITHDREW CONSENT UNDER SECTION 9707 (RELATING TO  
23 WITHDRAWAL OF CONSENT).

24 (B) TIME PERIOD TO COMMENCE PROCEEDING.--A PROCEEDING TO  
25 ADJUDICATE A SPOUSE'S PARENTAGE OF A CHILD BORN BY ASSISTED  
26 REPRODUCTION MAY BE COMMENCED AT ANY TIME IF THE COURT  
27 DETERMINES:

28 (1) THE SPOUSE NEITHER PROVIDED A GAMETE FOR, NOR  
29 CONSENTED TO, THE ASSISTED REPRODUCTION;

30 (2) THE SPOUSE AND THE INDIVIDUAL WHO GAVE BIRTH TO THE

1 CHILD HAVE NOT COHABITED SINCE THE PROBABLE TIME OF ASSISTED  
2 REPRODUCTION; AND

3 (3) THE SPOUSE NEVER OPENLY HELD OUT THE CHILD AS THE  
4 SPOUSE'S CHILD.

5 (C) APPLICABILITY.--THIS SECTION APPLIES TO A SPOUSE'S  
6 DISPUTE OF PARENTAGE EVEN IF THE SPOUSE'S MARRIAGE IS DECLARED  
7 INVALID AFTER ASSISTED REPRODUCTION OCCURS.

8 § 9706. EFFECT OF CERTAIN LEGAL PROCEEDINGS REGARDING MARRIAGE.

9 (A) FORMER SPOUSE.--IF A MARRIAGE OF AN INDIVIDUAL WHO GIVES  
10 BIRTH TO A CHILD CONCEIVED BY ASSISTED REPRODUCTION IS  
11 TERMINATED THROUGH DIVORCE OR DISSOLUTION, OR ANNULLED BEFORE  
12 TRANSFER OF GAMETES OR EMBRYOS TO THE INDIVIDUAL, A FORMER  
13 SPOUSE OF THE INDIVIDUAL IS NOT A PARENT OF THE CHILD UNLESS THE  
14 FORMER SPOUSE CONSENTED IN A RECORD THAT THE FORMER SPOUSE WOULD  
15 BE A PARENT OF THE CHILD IF ASSISTED REPRODUCTION WERE TO OCCUR  
16 AFTER A DIVORCE, DISSOLUTION OR ANNULMENT AND THE FORMER SPOUSE  
17 DID NOT WITHDRAW CONSENT UNDER SECTION 9707 (RELATING TO  
18 WITHDRAWAL OF CONSENT).

19 (B) AFTER COMMENCEMENT OF PROCEEDING.--

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A CURRENT  
21 SPOUSE OF AN INDIVIDUAL WHO GIVES BIRTH TO A CHILD CONCEIVED  
22 BY ASSISTED REPRODUCTION IS NOT A PARENT OF THE CHILD IF,  
23 PRIOR TO THE TRANSFER OF GAMETES, THERE IS AN ACTIVE PETITION  
24 COMMENCING AN ACTION FOR DIVORCE, DISSOLUTION OR ANNULMENT.

25 (2) PARAGRAPH (1) DOES NOT APPLY IF, DURING THE PENDENCY  
26 OF AN ACTION UNDER PARAGRAPH (1), BOTH PARTIES CONSENT IN A  
27 RECORD TO BE PARENTS OF THE CHILD.

28 (3) A MARRIED INDIVIDUAL PROCEEDING WITH ASSISTED  
29 REPRODUCTION UNDER THIS SUBSECTION MAY NOT USE GAMETES OF THE  
30 INDIVIDUAL'S SPOUSE UNLESS BOTH PARTIES, DURING THE PENDENCY

1 OF THE ACTION UNDER PARAGRAPH (1), CONSENT IN A RECORD TO THE  
2 USE OF THE SPOUSE'S GAMETES FOR ASSISTED REPRODUCTION BY THE  
3 MARRIED INDIVIDUAL.

4 § 9707. WITHDRAWAL OF CONSENT.

5 (A) GENERAL RULE.--AN INDIVIDUAL WHO CONSENTS UNDER SECTION  
6 9704 (RELATING TO CONSENT TO ASSISTED REPRODUCTION) TO ASSISTED  
7 REPRODUCTION MAY WITHDRAW CONSENT ANY TIME BEFORE A TRANSFER  
8 THAT RESULTS IN A PREGNANCY BY GIVING NOTICE IN A RECORD OF THE  
9 WITHDRAWAL OF CONSENT TO THE INDIVIDUAL WHO AGREED TO GIVE BIRTH  
10 TO A CHILD CONCEIVED BY ASSISTED REPRODUCTION AND TO ANY CLINIC  
11 OR HEALTH CARE PROVIDER FACILITATING THE ASSISTED REPRODUCTION.  
12 FAILURE TO GIVE NOTICE TO THE CLINIC OR HEALTH CARE PROVIDER  
13 DOES NOT AFFECT A DETERMINATION OF PARENTAGE UNDER THIS PART.

14 (B) EFFECT OF WITHDRAWAL.--AN INDIVIDUAL WHO WITHDRAWS  
15 CONSENT UNDER SUBSECTION (A) IS NOT A PARENT OF THE CHILD UNDER  
16 THIS CHAPTER.

17 § 9708. PARENTAL STATUS OF DECEASED INDIVIDUAL.

18 (A) DEATH AFTER GAMETE OR EMBRYO TRANSFER.--IF AN INDIVIDUAL  
19 WHO INTENDS TO BE A PARENT OF A CHILD CONCEIVED BY ASSISTED  
20 REPRODUCTION DIES DURING THE PERIOD BETWEEN THE TRANSFER OF A  
21 GAMETE OR EMBRYO AND THE BIRTH OF THE CHILD, THE INDIVIDUAL'S  
22 DEATH DOES NOT PRECLUDE THE ESTABLISHMENT OF THE INDIVIDUAL'S  
23 PARENTAGE OF THE CHILD IF THE INDIVIDUAL OTHERWISE WOULD BE A  
24 PARENT OF THE CHILD UNDER THIS PART.

25 (B) DEATH BEFORE GAMETE OR EMBRYO TRANSFER.--IF AN  
26 INDIVIDUAL WHO CONSENTED IN A RECORD TO ASSISTED REPRODUCTION BY  
27 AN INDIVIDUAL WHO AGREED TO GIVE BIRTH TO A CHILD DIES BEFORE A  
28 TRANSFER OF GAMETES OR EMBRYOS, THE DECEASED INDIVIDUAL IS NOT A  
29 PARENT OF A CHILD CONCEIVED BY THE ASSISTED REPRODUCTION UNLESS  
30 ALL OF THE FOLLOWING PARAGRAPHS APPLY:

1 (1) ONE OF THE FOLLOWING APPLIES:

2 (I) THE INDIVIDUAL CONSENTED IN A RECORD THAT IF  
3 ASSISTED REPRODUCTION WERE TO OCCUR AFTER THE DEATH OF  
4 THE INDIVIDUAL, THE INDIVIDUAL WOULD BE A PARENT OF THE  
5 CHILD.

6 (II) THE INDIVIDUAL'S INTENT TO BE A PARENT OF A  
7 CHILD CONCEIVED BY ASSISTED REPRODUCTION AFTER THE  
8 INDIVIDUAL'S DEATH IS ESTABLISHED BY CLEAR AND CONVINCING  
9 EVIDENCE.

10 (2) BOTH OF THE FOLLOWING APPLY:

11 (I) THE TRANSFER OF THE GAMETE OR EMBRYO OCCURS NOT  
12 LATER THAN 36 MONTHS AFTER THE INDIVIDUAL'S DEATH OR THE  
13 BIRTH OF THE CHILD OCCURS NOT LATER THAN 45 MONTHS AFTER  
14 THE INDIVIDUAL'S DEATH; AND

15 (II) THE ESTATE OF THE DECEASED INDIVIDUAL IS  
16 NOTIFIED NOT LATER THAN SIX MONTHS AFTER THE INDIVIDUAL'S  
17 DEATH THAT THE TRANSFER MAY OCCUR.

18 CHAPTER 98

19 SURROGACY AGREEMENT

20 SUBCHAPTER

21 A. GENERAL REQUIREMENTS

22 B. SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT

23 C. SPECIAL RULES FOR GENETIC SURROGACY AGREEMENT

24 SUBCHAPTER A

25 GENERAL REQUIREMENTS

26 SEC.

27 9801. DEFINITIONS.

28 9802. ELIGIBILITY TO ENTER INTO SURROGACY AGREEMENT.

29 9803. REQUIREMENTS OF SURROGACY AGREEMENT: PROCESS.

30 9804. REQUIREMENTS OF SURROGACY AGREEMENTS: CONTENT.

1 9805. SURROGACY AGREEMENT: EFFECT OF SUBSEQUENT CHANGE OF  
2 MARITAL STATUS.

3 9806. INSPECTION OF DOCUMENTS AND RECORDS.

4 9807. EXCLUSIVE, CONTINUING JURISDICTION.

5 § 9801. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "GENETIC SURROGATE." AN INDIVIDUAL WHO IS NOT AN INTENDED  
10 PARENT AND WHO AGREES TO BECOME PREGNANT THROUGH ASSISTED  
11 REPRODUCTION USING THE INDIVIDUAL'S OWN GAMETE, UNDER A GENETIC  
12 SURROGACY AGREEMENT AS PROVIDED IN THIS CHAPTER.

13 "GESTATIONAL SURROGATE." AN INDIVIDUAL WHO IS NOT AN  
14 INTENDED PARENT AND WHO AGREES TO BECOME PREGNANT THROUGH  
15 ASSISTED REPRODUCTION USING GAMETES THAT ARE NOT HER OWN, UNDER  
16 A GESTATIONAL SURROGACY AGREEMENT AS PROVIDED IN THIS CHAPTER.

17 "SURROGACY AGREEMENT." AN AGREEMENT BETWEEN ONE OR MORE  
18 INTENDED PARENTS AND AN INDIVIDUAL WHO IS NOT AN INTENDED PARENT  
19 AND THE INDIVIDUAL'S SPOUSE, IN WHICH THE INDIVIDUAL AGREES TO  
20 BECOME PREGNANT THROUGH ASSISTED REPRODUCTION AND WHICH PROVIDES  
21 THAT EACH INTENDED PARENT IS A PARENT OF A CHILD CONCEIVED UNDER  
22 THE AGREEMENT. UNLESS OTHERWISE SPECIFIED, THE TERM REFERS TO  
23 BOTH A GESTATIONAL SURROGACY AGREEMENT AND A GENETIC SURROGACY  
24 AGREEMENT.

25 "SURROGATE." A GENETIC SURROGATE OR A GESTATIONAL SURROGATE.

26 § 9802. ELIGIBILITY TO ENTER INTO SURROGACY AGREEMENT.

27 (A) REQUIREMENTS FOR SURROGATES.--TO EXECUTE A SURROGACY  
28 AGREEMENT, AN INDIVIDUAL WHO DESIRES TO BE A SURROGATE MUST:

29 (1) HAVE ATTAINED 21 YEARS OF AGE;

30 (2) PREVIOUSLY HAVE GIVEN BIRTH TO AT LEAST ONE CHILD;

1           (3) COMPLETE A MEDICAL EVALUATION RELATED TO THE  
2 SURROGACY ARRANGEMENT BY A LICENSED MEDICAL DOCTOR;

3           (4) COMPLETE A MENTAL HEALTH CONSULTATION BY A LICENSED  
4 MENTAL HEALTH PROFESSIONAL; AND

5           (5) HAVE INDEPENDENT LEGAL REPRESENTATION BY AN  
6 ATTORNEY, LICENSED TO PRACTICE LAW IN THIS COMMONWEALTH, OF  
7 THE INDIVIDUAL'S CHOICE THROUGHOUT THE NEGOTIATION PROCESS  
8 AND THE EXECUTION AND DURATION OF THE SURROGACY AGREEMENT  
9 REGARDING THE TERMS OF THE SURROGACY AGREEMENT AND THE  
10 POTENTIAL LEGAL CONSEQUENCES OF THE AGREEMENT.

11       (B) REQUIREMENTS FOR INTENDED PARENTS.--TO EXECUTE A  
12 SURROGACY AGREEMENT, EACH INTENDED PARENT, WHETHER OR NOT  
13 GENETICALLY RELATED TO THE CHILD, MUST:

14           (1) HAVE ATTAINED 21 YEARS OF AGE;

15           (2) COMPLETE A MENTAL HEALTH CONSULTATION BY A LICENSED  
16 MENTAL HEALTH PROFESSIONAL; AND

17           (3) HAVE INDEPENDENT LEGAL REPRESENTATION BY AN  
18 ATTORNEY, LICENSED TO PRACTICE LAW IN THIS COMMONWEALTH, OF  
19 THE INTENDED PARENT'S CHOICE, THROUGHOUT THE NEGOTIATION,  
20 EXECUTION AND DURATION OF THE SURROGACY AGREEMENT, REGARDING  
21 THE TERMS OF THE SURROGACY AGREEMENT AND THE POTENTIAL LEGAL  
22 CONSEQUENCES OF THE AGREEMENT.

23 § 9803. REQUIREMENTS OF SURROGACY AGREEMENT: PROCESS.

24       A SURROGACY AGREEMENT MUST BE EXECUTED IN COMPLIANCE WITH THE  
25 FOLLOWING RULES:

26           (1) AT LEAST ONE PARTY MUST BE A RESIDENT OF THIS  
27 COMMONWEALTH OR, IF NO PARTY IS A RESIDENT OF THIS  
28 COMMONWEALTH:

29           (I) THE BIRTH WILL, OR IS ANTICIPATED TO, OCCUR IN  
30 THIS COMMONWEALTH; OR

1           (II) THE ASSISTED REPRODUCTION TO BE PERFORMED UNDER  
2           THE SURROGACY AGREEMENT WILL, OR IS ANTICIPATED TO, OCCUR  
3           IN THIS COMMONWEALTH.

4           (2) A SURROGATE AND EACH INTENDED PARENT MUST MEET THE  
5           REQUIREMENTS OF SECTION 9802 (RELATING TO ELIGIBILITY TO  
6           ENTER INTO SURROGACY AGREEMENT).

7           (3) EACH INTENDED PARENT AND THE SURROGATE MUST BE  
8           PARTIES TO THE SURROGACY AGREEMENT. IF THE SURROGATE IS  
9           MARRIED, THE SURROGATE'S SPOUSE MUST BE A PARTY TO THE  
10           SURROGACY AGREEMENT UNLESS THERE IS AN ACTIVE PETITION FOR  
11           DIVORCE, DISSOLUTION OR ANNULMENT.

12           (4) THE SURROGACY AGREEMENT MUST BE IN A RECORD SIGNED  
13           BY EACH PARTY LISTED IN PARAGRAPH (3).

14           (5) THE SURROGATE AND EACH INTENDED PARENT MUST  
15           ACKNOWLEDGE IN A RECORD RECEIPT OF A COPY OF THE SURROGACY  
16           AGREEMENT.

17           (6) THE SIGNATURE OF EACH PARTY TO THE SURROGACY  
18           AGREEMENT MUST BE ATTESTED BY A NOTARIAL OFFICER OR  
19           WITNESSED.

20           (7) THE SURROGATE AND THE INTENDED PARENT OR PARENTS  
21           MUST HAVE INDEPENDENT LEGAL REPRESENTATION UNDER SECTION  
22           9802(A)(5) AND (B)(3), AND EACH COUNSEL MUST BE IDENTIFIED IN  
23           THE SURROGACY AGREEMENT.

24           (8) THE FOLLOWING APPLY TO LEGAL REPRESENTATION FOR THE  
25           SURROGATE:

26           (I) THE INTENDED PARENT OR PARENTS MUST PAY FOR THE  
27           REPRESENTATION.

28           (II) THE SURROGATE MUST GIVE INFORMED CONSENT TO THE  
29           REPRESENTATION.

30           (III) THERE MAY NOT BE INTERFERENCE WITH THE



1 INDEPENDENCE OF PROFESSIONAL JUDGMENT OR ATTORNEY-CLIENT  
2 RELATIONSHIP.

3 (IV) THE REPRESENTATION MUST BE IN COMPLIANCE WITH  
4 THE RULES OF PROFESSIONAL CONDUCT.

5 (9) THE SURROGACY AGREEMENT MUST BE EXECUTED BEFORE A  
6 MEDICAL PROCEDURE OCCURS RELATED TO THE SURROGACY AGREEMENT,  
7 OTHER THAN THE MEDICAL EVALUATION AND MENTAL HEALTH  
8 CONSULTATION REQUIRED BY SECTION 9802.

9 § 9804. REQUIREMENTS OF SURROGACY AGREEMENTS: CONTENT.

10 (A) GENERAL RULE.--A SURROGACY AGREEMENT MUST COMPLY WITH  
11 THE FOLLOWING REQUIREMENTS:

12 (1) A SURROGATE AGREES TO ATTEMPT TO BECOME PREGNANT BY  
13 MEANS OF ASSISTED REPRODUCTION.

14 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 9822  
15 (RELATING TO TERMINATION OF GENETIC SURROGACY AGREEMENT) AND  
16 9823(C) (RELATING TO PARENTAGE UNDER VALIDATED GENETIC  
17 SURROGACY AGREEMENT), THE SURROGATE AND THE SURROGATE'S  
18 SPOUSE OR FORMER SPOUSE, IF ANY, AGREE THAT THEY HAVE NO  
19 CLAIM TO PARENTAGE OF A CHILD CONCEIVED BY ASSISTED  
20 REPRODUCTION UNDER THE SURROGACY AGREEMENT.

21 (3) IF THE SURROGATE'S SPOUSE IS A PARTY TO THE  
22 SURROGATE AGREEMENT, THE SPOUSE MUST ACKNOWLEDGE AND AGREE TO  
23 COMPLY WITH THE OBLIGATIONS IMPOSED ON THE SURROGATE BY THE  
24 SURROGACY AGREEMENT.

25 (4) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 9822 AND  
26 9823(C), THE INTENDED PARENT OR, IF THERE ARE TWO INTENDED  
27 PARENTS, EACH ONE JOINTLY AND SEVERALLY, IMMEDIATELY ON BIRTH  
28 WILL BE THE EXCLUSIVE PARENT OR PARENTS OF THE CHILD,  
29 REGARDLESS OF NUMBER OF CHILDREN BORN OR GENDER OR MENTAL OR  
30 PHYSICAL CONDITION OF EACH CHILD.

1           (5) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 9822 AND  
2 9823(C), THE INTENDED PARENT OR, IF THERE ARE TWO INTENDED  
3 PARENTS, EACH PARENT JOINTLY AND SEVERALLY, IMMEDIATELY ON  
4 BIRTH WILL ASSUME RESPONSIBILITY FOR THE FINANCIAL SUPPORT OF  
5 THE CHILD, REGARDLESS OF NUMBER OF CHILDREN BORN OR GENDER OR  
6 MENTAL OR PHYSICAL CONDITION OF EACH CHILD.

7           (6) THE INTENDED PARENT OR PARENTS MUST AGREE THAT THEY  
8 ARE LIABLE FOR THE SURROGACY-RELATED MEDICAL EXPENSES OF THE  
9 SURROGATE, INCLUDING EXPENSES FOR HEALTH CARE PROVIDED FOR  
10 ASSISTED REPRODUCTION, PRENATAL CARE, LABOR AND DELIVERY, AND  
11 FOR THE MEDICAL EXPENSES OF THE RESULTING CHILD NOT PAID FOR  
12 BY INSURANCE. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO  
13 SUPLANT HEALTH INSURANCE COVERAGE THAT IS OTHERWISE  
14 AVAILABLE TO THE SURROGATE OR AN INTENDED PARENT. THIS  
15 PARAGRAPH SHALL NOT BE DEEMED TO CHANGE THE HEALTH INSURANCE  
16 COVERAGE OF THE SURROGATE OR THE RESPONSIBILITY OF AN  
17 INSURANCE COMPANY TO PAY BENEFITS UNDER A POLICY THAT COVERS  
18 THE SURROGATE. THE SURROGACY AGREEMENT UNDER THIS PARAGRAPH  
19 MUST INCLUDE INFORMATION DISCLOSING HOW EACH INTENDED PARENT  
20 WILL COVER THE SURROGACY-RELATED MEDICAL EXPENSES OF THE  
21 SURROGATE AND THE MEDICAL EXPENSES OF THE CHILD.

22           (7) THE SURROGACY AGREEMENT MAY NOT INFRINGE ON THE  
23 RIGHTS OF THE SURROGATE TO MAKE ALL HEALTH AND WELFARE  
24 DECISIONS REGARDING THE SURROGATE, THE SURROGATE'S BODY AND  
25 THE SURROGATE'S PREGNANCY THROUGHOUT THE DURATION OF THE  
26 SURROGACY AGREEMENT, INCLUDING DURING ATTEMPTS TO BECOME  
27 PREGNANT, DELIVERY AND AFTER DELIVERY. THE SURROGACY  
28 AGREEMENT MAY NOT INFRINGE UPON THE RIGHT OF THE SURROGATE TO  
29 AUTONOMY IN MEDICAL DECISION-MAKING, INCLUDING BY REQUIRING  
30 THE SURROGATE TO UNDERGO A SCHEDULED, NON-MEDICALLY INDICATED

1 CESAREAN SECTION OR TO UNDERGO MULTIPLE EMBRYO TRANSFERS. THE  
2 GENERAL ASSEMBLY FINDS AND DECLARES THAT AN AGREEMENT  
3 PURPORTING TO WAIVE OR LIMIT THE RIGHTS DESCRIBED IN THIS  
4 PARAGRAPH IS VOID AS AGAINST PUBLIC POLICY.

5 (8) THE SURROGACY AGREEMENT MUST INCLUDE INFORMATION  
6 ABOUT EACH PARTY'S RIGHT UNDER THIS CHAPTER TO TERMINATE THE  
7 SURROGACY AGREEMENT.

8 (B) ADDITIONAL PROVISIONS.--A SURROGACY AGREEMENT MAY  
9 PROVIDE FOR:

10 (1) PAYMENT OF CONSIDERATION AND REASONABLE EXPENSES NOT  
11 REQUIRED UNDER SUBSECTION (A) (6); AND

12 (2) REIMBURSEMENT OF SPECIFIC EXPENSES IF THE SURROGACY  
13 AGREEMENT IS TERMINATED UNDER THIS CHAPTER.

14 (C) ASSIGNMENT PROHIBITED.--A RIGHT CREATED UNDER A  
15 SURROGACY AGREEMENT IS NOT ASSIGNABLE, AND THERE IS NO THIRD-  
16 PARTY BENEFICIARY OF THE SURROGACY AGREEMENT OTHER THAN THE  
17 CHILD.

18 § 9805. SURROGACY AGREEMENT: EFFECT OF SUBSEQUENT CHANGE OF  
19 MARITAL STATUS.

20 (A) SURROGATES.--UNLESS A SURROGACY AGREEMENT EXPRESSLY  
21 PROVIDES OTHERWISE:

22 (1) THE MARRIAGE OF A SURROGATE AFTER THE SURROGACY  
23 AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE  
24 VALIDITY OF THE SURROGACY AGREEMENT, CONSENT TO THE SURROGACY  
25 AGREEMENT BY THE SURROGATE'S SPOUSE IS NOT REQUIRED AND THE  
26 SPOUSE IS NOT A PRESUMED PARENT OF A CHILD CONCEIVED BY  
27 ASSISTED REPRODUCTION UNDER THE SURROGACY AGREEMENT; AND

28 (2) THE DIVORCE, DISSOLUTION OR ANNULMENT OF THE  
29 SURROGATE AFTER THE SURROGACY AGREEMENT IS SIGNED BY ALL  
30 PARTIES DOES NOT AFFECT THE VALIDITY OF THE SURROGACY

1 AGREEMENT.

2 (B) INTENDED PARENTS.--UNLESS A SURROGACY AGREEMENT  
3 EXPRESSLY PROVIDES OTHERWISE:

4 (1) THE MARRIAGE OF AN INTENDED PARENT AFTER THE  
5 SURROGACY AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT  
6 THE VALIDITY OF A SURROGACY AGREEMENT, THE CONSENT OF THE  
7 SPOUSE OF THE INTENDED PARENT IS NOT REQUIRED AND THE SPOUSE  
8 OF THE INTENDED PARENT IS NOT, BASED ON THE SURROGACY  
9 AGREEMENT, A PARENT OF A CHILD CONCEIVED BY ASSISTED  
10 REPRODUCTION UNDER THE SURROGACY AGREEMENT; AND

11 (2) THE DIVORCE, DISSOLUTION OR ANNULMENT OF AN INTENDED  
12 PARENT AFTER THE SURROGACY AGREEMENT IS SIGNED BY ALL PARTIES  
13 DOES NOT AFFECT THE VALIDITY OF THE SURROGACY AGREEMENT, AND,  
14 EXCEPT AS OTHERWISE PROVIDED IN SECTION 9822 (RELATING TO  
15 TERMINATION OF GENETIC SURROGACY AGREEMENT), THE INTENDED  
16 PARENTS ARE THE PARENTS OF THE CHILD.

17 § 9806. INSPECTION OF DOCUMENTS AND RECORDS.

18 UNLESS THE COURT ORDERS OTHERWISE, A PETITION AND ANY OTHER  
19 DOCUMENT AND RECORD RELATED TO A SURROGACY AGREEMENT FILED WITH  
20 THE COURT UNDER THIS SUBCHAPTER ARE NOT OPEN TO INSPECTION BY  
21 ANY INDIVIDUAL OTHER THAN THE PARTIES TO THE PROCEEDING, A CHILD  
22 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE SURROGACY  
23 AGREEMENT, THEIR ATTORNEYS AND THE DEPARTMENT. A COURT MAY NOT  
24 AUTHORIZE ANY OTHER INDIVIDUAL TO INSPECT A DOCUMENT OR RECORD  
25 RELATED TO THE SURROGACY AGREEMENT UNLESS REQUIRED BY EXIGENT  
26 CIRCUMSTANCES. THE INDIVIDUAL SEEKING TO INSPECT THE DOCUMENT  
27 MAY BE REQUIRED TO PAY THE EXPENSE OF PREPARING A COPY OF THE  
28 DOCUMENT TO BE INSPECTED.

29 § 9807. EXCLUSIVE, CONTINUING JURISDICTION.

30 DURING THE PERIOD AFTER THE EXECUTION OF A SURROGACY

1 AGREEMENT UNTIL 180 DAYS AFTER THE BIRTH OF A CHILD CONCEIVED BY  
2 ASSISTED REPRODUCTION UNDER THE SURROGACY AGREEMENT, A COURT  
3 CONDUCTING A PROCEEDING UNDER THIS PART HAS EXCLUSIVE,  
4 CONTINUING JURISDICTION OVER ALL MATTERS ARISING OUT OF THE  
5 SURROGACY AGREEMENT. THIS SECTION DOES NOT GIVE THE COURT  
6 JURISDICTION OVER A CHILD CUSTODY PROCEEDING OR CHILD SUPPORT  
7 PROCEEDING IF JURISDICTION IS NOT OTHERWISE AUTHORIZED BY THE  
8 LAW OF THIS COMMONWEALTH OTHER THAN THIS PART.

9 SUBCHAPTER B

10 SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT

11 SEC.

12 9811. TERMINATION OF GESTATIONAL SURROGACY AGREEMENT.

13 9812. PARENTAGE UNDER GESTATIONAL SURROGACY AGREEMENT.

14 9813. GESTATIONAL SURROGACY AGREEMENT: PARENTAGE STATUS OF  
15 DECEASED INTENDED PARENT.

16 9814. GESTATIONAL SURROGACY AGREEMENT: ORDER OF PARENTAGE.

17 9815. EFFECT OF GESTATIONAL SURROGACY AGREEMENT.

18 § 9811. TERMINATION OF GESTATIONAL SURROGACY AGREEMENT.

19 (A) GENERAL RULE.--A PARTY TO A GESTATIONAL SURROGACY  
20 AGREEMENT MAY TERMINATE THE SURROGACY AGREEMENT AT ANY TIME  
21 BEFORE AN EMBRYO TRANSFER BY GIVING NOTICE OF TERMINATION IN A  
22 RECORD TO ALL OTHER PARTIES. IF AN EMBRYO TRANSFER DOES NOT  
23 RESULT IN A PREGNANCY, A PARTY MAY TERMINATE THE SURROGACY  
24 AGREEMENT AT ANY TIME BEFORE A SUBSEQUENT EMBRYO TRANSFER.

25 (B) LIMITED RELEASE.--UNLESS A GESTATIONAL SURROGACY  
26 AGREEMENT PROVIDES OTHERWISE, ON TERMINATION OF THE SURROGACY  
27 AGREEMENT UNDER SUBSECTION (A), THE PARTIES ARE RELEASED FROM  
28 THE SURROGACY AGREEMENT, EXCEPT THAT EACH INTENDED PARENT  
29 REMAINS RESPONSIBLE FOR EXPENSES THAT ARE REIMBURSABLE UNDER THE  
30 SURROGACY AGREEMENT AND INCURRED BY THE GESTATIONAL SURROGATE

1 THROUGH THE DATE OF TERMINATION.

2 (C) PENALTIES AND LIQUIDATED DAMAGES PROHIBITED.--EXCEPT IN  
3 A CASE INVOLVING FRAUD, NEITHER A GESTATIONAL SURROGATE NOR THE  
4 GESTATIONAL SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS  
5 LIABLE TO THE INTENDED PARENT OR PARENTS FOR A PENALTY OR  
6 LIQUIDATED DAMAGES FOR TERMINATING A GESTATIONAL SURROGACY  
7 AGREEMENT UNDER THIS SECTION.

8 § 9812. PARENTAGE UNDER GESTATIONAL SURROGACY AGREEMENT.

9 (A) INTENDED PARENTS.--EXCEPT AS OTHERWISE PROVIDED IN  
10 SUBSECTION (C) OR SECTION 9813(B) (RELATING TO GESTATIONAL  
11 SURROGACY AGREEMENT: PARENTAGE OF DECEASED INTENDED PARENT) OR  
12 9815 (RELATING TO EFFECT OF GESTATIONAL SURROGACY AGREEMENT), ON  
13 THE BIRTH OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A  
14 GESTATIONAL SURROGACY AGREEMENT, EACH INTENDED PARENT IS, BY  
15 OPERATION OF LAW, A PARENT OF THE CHILD.

16 (B) SURROGATES.--EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
17 (C) OR SECTION 9815, NEITHER A GESTATIONAL SURROGATE NOR THE  
18 GESTATIONAL SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS A  
19 PARENT OF THE CHILD.

20 (C) WHEN GENETIC TESTING REQUIRED.--IF A CHILD IS ALLEGED TO  
21 BE A GENETIC CHILD OF A GESTATIONAL SURROGATE, THE COURT SHALL  
22 ORDER GENETIC TESTING OF THE CHILD. IF THE CHILD IS A GENETIC  
23 CHILD OF A GESTATIONAL SURROGATE, PARENTAGE MUST BE DETERMINED  
24 BASED ON CHAPTERS 91 (RELATING TO GENERAL PROVISIONS), 92  
25 (RELATING TO PARENT-CHILD RELATIONSHIP), 93 (RELATING TO  
26 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE), 95 (RELATING TO GENETIC  
27 TESTING) AND 96 (RELATING TO PROCEEDING TO ADJUDICATE  
28 PARENTAGE).

29 (D) CLINICAL AND LABORATORY ERRORS.--EXCEPT AS OTHERWISE  
30 PROVIDED IN SUBSECTION (C) OR SECTION 9813(B) OR 9815, IF, DUE

1 TO A CLINICAL OR LABORATORY ERROR, A CHILD CONCEIVED BY ASSISTED  
2 REPRODUCTION UNDER A GESTATIONAL SURROGACY AGREEMENT IS NOT  
3 GENETICALLY RELATED TO AN INTENDED PARENT OR A DONOR WHO DONATED  
4 TO THE INTENDED PARENT OR PARENTS, EACH INTENDED PARENT, AND NOT  
5 THE GESTATIONAL SURROGATE AND THE GESTATIONAL SURROGATE'S SPOUSE  
6 OR FORMER SPOUSE, IF ANY, IS A PARENT OF THE CHILD, SUBJECT TO  
7 ANY OTHER CLAIM OF PARENTAGE.

8 § 9813. GESTATIONAL SURROGACY AGREEMENT: PARENTAGE STATUS OF  
9 DECEASED INTENDED PARENT.

10 (A) DEATH AFTER GAMETE OR EMBRYO TRANSFER.--SECTION 9812  
11 (RELATING TO PARENTAGE UNDER GESTATIONAL SURROGACY AGREEMENT)  
12 APPLIES TO AN INTENDED PARENT EVEN IF THE INTENDED PARENT DIES  
13 DURING THE PERIOD BETWEEN THE TRANSFER OF A GAMETE OR EMBRYO AND  
14 THE BIRTH OF THE CHILD.

15 (B) DEATH BEFORE GAMETE OR EMBRYO TRANSFER.--EXCEPT AS  
16 OTHERWISE PROVIDED IN SECTION 9815 (RELATING TO EFFECT OF  
17 GESTATIONAL SURROGACY AGREEMENT), AN INTENDED PARENT IS NOT A  
18 PARENT OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A  
19 GESTATIONAL SURROGACY AGREEMENT IF THE INTENDED PARENT DIES  
20 BEFORE THE TRANSFER OF A GAMETE OR EMBRYO UNLESS:

- 21 (1) THE SURROGACY AGREEMENT PROVIDES OTHERWISE;  
22 (2) THE TRANSFER OF A GAMETE OR EMBRYO OCCURS NOT LATER  
23 THAN 36 MONTHS AFTER THE DEATH OF THE INTENDED PARENT OR  
24 BIRTH OF THE CHILD OCCURS NOT LATER THAN 45 MONTHS AFTER THE  
25 DEATH OF THE INTENDED PARENT; AND  
26 (3) THE ESTATE OF THE DECEASED INTENDED PARENT IS  
27 NOTIFIED NOT LATER THAN SIX MONTHS AFTER THE DEATH OF THE  
28 INTENDED PARENT THAT THE TRANSFER MAY OCCUR.

29 § 9814. GESTATIONAL SURROGACY AGREEMENT: ORDER OF PARENTAGE.

30 (A) PERMISSIBLE RELIEF.--EXCEPT AS OTHERWISE PROVIDED IN

1 SECTIONS 9812(C) (RELATING TO PARENTAGE UNDER GESTATIONAL  
2 SURROGACY AGREEMENT) OR 9815 (RELATING TO EFFECT OF GESTATIONAL  
3 SURROGACY AGREEMENT), BEFORE, ON OR AFTER THE BIRTH OF A CHILD  
4 CONCEIVED BY ASSISTED REPRODUCTION UNDER A GESTATIONAL SURROGACY  
5 AGREEMENT, A PARTY TO THE SURROGACY AGREEMENT MAY COMMENCE A  
6 PROCEEDING IN COURT FOR AN ORDER OR JUDGMENT UNDER SUBSECTION  
7 (B). THE REQUESTED ORDER OR JUDGMENT MAY BE ISSUED BEFORE OR  
8 AFTER THE BIRTH OF THE CHILD AS REQUESTED BY THE PARTIES. THE  
9 SURROGATE AND ALL INTENDED PARENTS ARE NECESSARY PARTIES TO THE  
10 PROCEEDING. THE PETITION MUST BE ACCOMPANIED BY ALL OF THE  
11 FOLLOWING:

12 (1) A CERTIFICATION FROM THE ATTORNEY REPRESENTING THE  
13 INTENDED PARENT OR PARENTS AND FROM THE ATTORNEY REPRESENTING  
14 THE SURROGATE THAT THE SURROGACY AGREEMENT COMPLIES WITH THIS  
15 CHAPTER.

16 (2) A STATEMENT FROM EACH PARTY TO THE AGREEMENT THAT  
17 THE PARTY KNOWINGLY AND VOLUNTARILY ENTERED INTO THE  
18 AGREEMENT AND IS REQUESTING THE ORDER OR JUDGMENT. A  
19 STATEMENT UNDER THIS PARAGRAPH FROM THE SURROGATE'S SPOUSE IS  
20 NOT REQUIRED IF THERE IS AN ACTIVE PETITION FOR DIVORCE,  
21 DISSOLUTION OR ANNULMENT.

22 (B) ISSUANCE OF ORDER OR JUDGMENT.--ON RECEIPT OF A PETITION  
23 UNDER SUBSECTION (A) AND ACCOMPANYING CERTIFICATIONS AND  
24 STATEMENTS, THE COURT SHALL ISSUE AN ORDER OR JUDGMENT:

25 (1) DECLARING THAT EACH INTENDED PARENT IS A PARENT OF  
26 THE CHILD AND ORDERING THAT PARENTAL RIGHTS AND DUTIES VEST  
27 IMMEDIATELY ON THE BIRTH OF THE CHILD EXCLUSIVELY IN EACH  
28 INTENDED PARENT;

29 (2) DECLARING THAT THE GESTATIONAL SURROGATE AND THE  
30 GESTATIONAL SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, ARE



1 NOT THE PARENTS OF THE CHILD;

2 (3) DESIGNATING THE CONTENT OF THE BIRTH RECORD IN  
3 ACCORDANCE WITH LAW AND DIRECTING THE DEPARTMENT TO DESIGNATE  
4 EACH INTENDED 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) DECLARING THAT THE INTENDED PARENT OR PARENTS SHALL  
10 HAVE EXCLUSIVE CUSTODY AND CONTROL OF THE CHILD; AND

11 (6) FOR OTHER RELIEF THE COURT DETERMINES NECESSARY AND  
12 PROPER.

13 (C) ORDER OF JUDGMENT BEFORE BIRTH.--THE COURT MAY ISSUE AN  
14 ORDER OR JUDGMENT UNDER SUBSECTION (B) BEFORE THE BIRTH OF THE  
15 CHILD. THE COURT SHALL STAY ENFORCEMENT OF THE ORDER OR JUDGMENT  
16 UNTIL THE BIRTH OF THE CHILD.

17 (D) LIMITATION ON NECESSARY PARTIES.--NEITHER THE  
18 COMMONWEALTH, THE DEPARTMENT NOR THE HOSPITAL, BIRTHING CENTER  
19 OR OTHER FACILITY WHERE THE CHILD IS OR IS EXPECTED TO BE BORN  
20 IS A NECESSARY PARTY TO A PROCEEDING UNDER SUBSECTION (B).

21 § 9815. EFFECT OF GESTATIONAL SURROGACY AGREEMENT.

22 (A) GENERAL RULE.--A GESTATIONAL SURROGACY AGREEMENT THAT  
23 COMPLIES WITH SECTIONS 9802 (RELATING TO ELIGIBILITY TO ENTER  
24 INTO SURROGACY AGREEMENT), 9803 (RELATING TO REQUIREMENTS OF  
25 SURROGACY AGREEMENT: PROCESS) AND 9804 (RELATING TO REQUIREMENTS  
26 OF SURROGACY AGREEMENT: CONTENT) IS ENFORCEABLE.

27 (B) NONCOMPLYING GESTATIONAL SURROGACY AGREEMENTS.--IF A  
28 CHILD WAS CONCEIVED BY ASSISTED REPRODUCTION UNDER A GESTATIONAL  
29 SURROGACY AGREEMENT THAT DOES NOT SUBSTANTIALLY COMPLY WITH  
30 SECTIONS 9802, 9803 AND 9804, THE COURT SHALL DETERMINE THE

1 RIGHTS AND DUTIES OF THE PARTIES TO THE SURROGACY AGREEMENT  
2 CONSISTENT WITH THE INTENT OF THE PARTIES AT THE TIME OF  
3 EXECUTION OF THE SURROGACY AGREEMENT. EACH PARTY TO THE  
4 SURROGACY AGREEMENT AND ANY INDIVIDUAL WHO AT THE TIME OF THE  
5 EXECUTION OF THE SURROGACY AGREEMENT WAS A SPOUSE OF A PARTY TO  
6 THE SURROGACY AGREEMENT HAS STANDING TO MAINTAIN A PROCEEDING TO  
7 ADJUDICATE AN ISSUE RELATED TO THE ENFORCEMENT OF THE SURROGACY  
8 AGREEMENT.

9 (C) REMEDIES FOR BREACH.--EXCEPT AS EXPRESSLY PROVIDED IN A  
10 GESTATIONAL SURROGACY AGREEMENT OR SUBSECTION (D) OR (E), IF THE  
11 SURROGACY AGREEMENT IS BREACHED BY THE GESTATIONAL SURROGATE OR  
12 ONE OR MORE INTENDED PARENTS, THE NONBREACHING PARTY IS ENTITLED  
13 TO THE REMEDIES AVAILABLE AT LAW OR IN EQUITY.

14 (D) WHEN SPECIFIC PERFORMANCE PROHIBITED.--SPECIFIC  
15 PERFORMANCE IS NOT A REMEDY AVAILABLE FOR BREACH BY A  
16 GESTATIONAL SURROGATE OF A PROVISION IN THE SURROGACY AGREEMENT  
17 THAT THE GESTATIONAL SURROGATE BE IMPREGNATED, TERMINATE OR NOT  
18 TERMINATE A PREGNANCY OR SUBMIT TO MEDICAL PROCEDURES.

19 (E) WHEN SPECIFIC PERFORMANCE PERMITTED.--EXCEPT AS  
20 OTHERWISE PROVIDED IN SUBSECTION (D), IF AN INTENDED PARENT IS  
21 DETERMINED TO BE A PARENT OF THE CHILD, SPECIFIC PERFORMANCE IS  
22 A REMEDY AVAILABLE FOR:

23 (1) BREACH OF THE SURROGACY AGREEMENT BY A GESTATIONAL  
24 SURROGATE WHICH PREVENTS THE INTENDED PARENT FROM EXERCISING  
25 IMMEDIATELY ON BIRTH OF THE CHILD THE FULL RIGHTS OF  
26 PARENTAGE; OR

27 (2) BREACH BY THE INTENDED PARENT WHICH PREVENTS THE  
28 INTENDED PARENT'S ACCEPTANCE, IMMEDIATELY ON BIRTH OF THE  
29 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE SURROGACY  
30 AGREEMENT, OF THE DUTIES OF PARENTAGE.



1 COURT SHALL VACATE ANY ORDER ISSUED UNDER SUBSECTION (B). AN  
2 INDIVIDUAL WHO DOES NOT NOTIFY THE COURT OF THE TERMINATION OF  
3 THE SURROGACY AGREEMENT IS SUBJECT TO SANCTIONS.

4 § 9822. TERMINATION OF GENETIC SURROGACY AGREEMENT.

5 (A) TIME.--AN INTENDED PARENT OR A GENETIC SURROGATE WHO IS  
6 A PARTY TO THE SURROGACY AGREEMENT MAY TERMINATE THE SURROGACY  
7 AGREEMENT AT ANY TIME BEFORE A GAMETE OR EMBRYO TRANSFER BY  
8 GIVING NOTICE OF TERMINATION IN A RECORD TO ALL OTHER PARTIES.  
9 IF A GAMETE OR EMBRYO TRANSFER DOES NOT RESULT IN A PREGNANCY, A  
10 PARTY MAY TERMINATE THE SURROGACY AGREEMENT AT ANY TIME BEFORE A  
11 SUBSEQUENT GAMETE OR EMBRYO TRANSFER. THE NOTICE OF TERMINATION  
12 MUST BE ATTESTED BY A NOTARIAL OFFICER OR WITNESSED.

13 (B) LIMITED RELEASE.--ON TERMINATION OF A GENETIC SURROGACY  
14 AGREEMENT, THE PARTIES ARE RELEASED FROM ALL OBLIGATIONS UNDER  
15 THE SURROGACY AGREEMENT, EXCEPT THAT EACH INTENDED PARENT  
16 REMAINS RESPONSIBLE FOR ALL EXPENSES INCURRED BY THE GENETIC  
17 SURROGATE THROUGH THE DATE OF TERMINATION, WHICH ARE  
18 REIMBURSABLE UNDER THE SURROGACY AGREEMENT.

19 (C) PENALTIES AND LIQUIDATED DAMAGES PROHIBITED.--EXCEPT IN  
20 A CASE INVOLVING FRAUD, NEITHER A GENETIC SURROGATE NOR THE  
21 GENETIC SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS LIABLE  
22 TO THE INTENDED PARENT OR PARENTS FOR A PENALTY OR LIQUIDATED  
23 DAMAGES FOR TERMINATING A GENETIC SURROGACY AGREEMENT UNDER THIS  
24 SECTION.

25 § 9823. PARENTAGE UNDER VALIDATED GENETIC SURROGACY AGREEMENT.

26 (A) INTENDED PARENTS.--EACH INTENDED PARENT IS A PARENT OF A  
27 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A SURROGACY  
28 AGREEMENT VALIDATED UNDER SECTION 9821 (RELATING TO REQUIREMENTS  
29 TO VALIDATE GENETIC SURROGACY AGREEMENT).

30 (B) COURT ORDER.--ON PROOF OF A COURT ORDER ISSUED UNDER

1 SECTION 9821 VALIDATING THE SURROGACY AGREEMENT, THE COURT SHALL  
2 ISSUE AN ORDER:

3 (1) DECLARING THAT EACH INTENDED PARENT IS A PARENT OF A  
4 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE SURROGACY  
5 AGREEMENT AND ORDERING THAT PARENTAL RIGHTS AND DUTIES VEST  
6 EXCLUSIVELY IN EACH INTENDED PARENT;

7 (2) DECLARING THAT THE GENETIC SURROGATE AND THE GENETIC  
8 SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, ARE NOT PARENTS  
9 OF THE CHILD;

10 (3) DESIGNATING THE CONTENTS OF THE BIRTH CERTIFICATE IN  
11 ACCORDANCE WITH THE LAW OF THIS COMMONWEALTH OTHER THAN THIS  
12 PART AND DIRECTING THE DEPARTMENT TO DESIGNATE EACH INTENDED  
13 PARENT AS A PARENT OF THE CHILD;

14 (4) TO PROTECT THE PRIVACY OF THE CHILD AND THE PARTIES,  
15 DECLARING THAT THE COURT RECORD IS NOT OPEN TO INSPECTION,  
16 EXCEPT AS AUTHORIZED UNDER SECTION 9806 (RELATING TO  
17 INSPECTION OF DOCUMENTS AND RECORDS);

18 (5) THAT THE INTENDED PARENT OR PARENTS HAVE EXCLUSIVE  
19 CUSTODY AND CONTROL OF THE CHILD; AND

20 (6) FOR OTHER RELIEF THE COURT DETERMINES NECESSARY AND  
21 PROPER.

22 (C) WHEN GENETIC TESTING REQUIRED.--IF A CHILD BORN TO A  
23 GENETIC SURROGATE IS ALLEGED NOT TO HAVE BEEN CONCEIVED BY  
24 ASSISTED REPRODUCTION, THE COURT SHALL ORDER GENETIC TESTING TO  
25 DETERMINE THE GENETIC PARENTAGE OF THE CHILD. IF THE CHILD WAS  
26 NOT CONCEIVED BY ASSISTED REPRODUCTION, PARENTAGE MUST BE  
27 DETERMINED UNDER CHAPTERS 91, 92, 93, 95 AND 96. UNLESS THE  
28 GENETIC SURROGACY AGREEMENT PROVIDES OTHERWISE, IF THE CHILD WAS  
29 NOT CONCEIVED BY ASSISTED REPRODUCTION, THE GENETIC SURROGATE IS  
30 NOT ENTITLED TO ANY NONEXPENSE-RELATED COMPENSATION PAID FOR

1 SERVING AS A GENETIC SURROGATE.

2 (D) COURT ORDER OF INTENDED PARENT.--UNLESS A GENETIC  
3 SURROGATE EXERCISES THE RIGHT UNDER SECTION 9822 (RELATING TO  
4 TERMINATION OF GENETIC SURROGACY AGREEMENT) TO TERMINATE THE  
5 GENETIC SURROGACY AGREEMENT, IF AN INTENDED PARENT FAILS TO FILE  
6 NOTICE REQUIRED UNDER SECTION 9822(A), THE GENETIC SURROGATE OR  
7 THE DEPARTMENT MAY FILE WITH THE COURT, NOT LATER THAN 60 DAYS  
8 AFTER THE BIRTH OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION  
9 UNDER THE SURROGACY AGREEMENT, NOTICE THAT THE CHILD HAS BEEN  
10 BORN TO THE GENETIC SURROGATE. ON PROOF OF A COURT ORDER ISSUED  
11 UNDER SECTION 9821 (RELATING TO REQUIREMENTS TO VALIDATE GENETIC  
12 SURROGACY AGREEMENT) VALIDATING THE SURROGACY AGREEMENT, THE  
13 COURT SHALL ISSUE AN ORDER DECLARING THAT EACH INTENDED PARENT  
14 IS A PARENT OF THE CHILD.

15 § 9824. EFFECT OF NONVALIDATED GENETIC SURROGACY AGREEMENT.

16 (A) ENFORCEABLE.--A GENETIC SURROGACY AGREEMENT, WHETHER OR  
17 NOT IN A RECORD, THAT IS NOT VALIDATED UNDER SECTION 9821  
18 (RELATING TO REQUIREMENTS TO VALIDATE GENETIC SURROGACY  
19 AGREEMENT) IS ENFORCEABLE ONLY TO THE EXTENT PROVIDED IN THIS  
20 SECTION AND SECTION 9826 (RELATING TO BREACH OF GENETIC  
21 SURROGACY AGREEMENT).

22 (B) COURT VALIDATION WITH AGREEMENT OF PARTIES.--IF ALL  
23 PARTIES AGREE, A COURT MAY VALIDATE A GENETIC SURROGACY  
24 AGREEMENT AFTER ASSISTED REPRODUCTION HAS OCCURRED BUT BEFORE  
25 THE BIRTH OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER  
26 THE SURROGACY AGREEMENT IF, UPON EXAMINATION OF THE PARTIES, THE  
27 COURT FINDS THAT:

28 (1) SECTIONS 9802 (RELATING TO ELIGIBILITY TO ENTER INTO  
29 SURROGACY AGREEMENT), 9803 (RELATING TO REQUIREMENTS OF  
30 SURROGACY AGREEMENT: PROCESS) AND 9804 (RELATING TO

1 REQUIREMENTS OF SURROGACY AGREEMENT) HAVE BEEN SATISFIED; AND

2 (2) ALL PARTIES ENTERED INTO THE SURROGACY AGREEMENT  
3 VOLUNTARILY AND UNDERSTOOD ITS TERMS.

4 (C) ADJUDICATION OF PARENTAGE.--IF A CHILD CONCEIVED BY  
5 ASSISTED REPRODUCTION UNDER A GENETIC SURROGACY AGREEMENT THAT  
6 IS NOT VALIDATED UNDER SECTION 9821 IS BORN, THE GENETIC  
7 SURROGATE IS NOT AUTOMATICALLY A PARENT AND THE COURT SHALL  
8 ADJUDICATE PARENTAGE OF THE CHILD BASED ON THE BEST INTEREST OF  
9 THE CHILD, TAKING INTO ACCOUNT THE FACTORS IN SECTION 9613(A)  
10 (RELATING TO ADJUDICATING COMPETING CLAIMS OF PARENTAGE) AND THE  
11 INTENT OF THE PARTIES AT THE TIME OF THE EXECUTION OF THE  
12 SURROGACY AGREEMENT.

13 (D) STANDING.--THE PARTIES TO A GENETIC SURROGACY AGREEMENT  
14 HAVE STANDING TO MAINTAIN A PROCEEDING TO ADJUDICATE PARENTAGE  
15 UNDER THIS SECTION.

16 § 9825. GENETIC SURROGACY AGREEMENT: PARENTAGE OF DECEASED  
17 INTENDED PARENT.

18 (A) DEATH AFTER GAMETE OR EMBRYO TRANSFER.--EXCEPT AS  
19 OTHERWISE PROVIDED IN SECTION 9823 (RELATING TO PARENTAGE UNDER  
20 VALIDATED GENETIC SURROGACY AGREEMENT) OR 9824 (RELATING TO  
21 EFFECT OF NONVALIDATED GENETIC SURROGACY AGREEMENT), ON BIRTH OF  
22 A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A GENETIC  
23 SURROGACY AGREEMENT, EACH INTENDED PARENT IS, BY OPERATION OF  
24 LAW, A PARENT OF THE CHILD, NOTWITHSTANDING THE DEATH OF AN  
25 INTENDED PARENT DURING THE PERIOD BETWEEN THE TRANSFER OF A  
26 GAMETE OR EMBRYO AND THE BIRTH OF THE CHILD.

27 (B) DEATH BEFORE GAMETE OR EMBRYO TRANSFER.--EXCEPT AS  
28 OTHERWISE PROVIDED IN SECTION 9823 OR 9824, AN INTENDED PARENT  
29 IS NOT A PARENT OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION  
30 UNDER A GENETIC SURROGACY AGREEMENT IF THE INTENDED PARENT DIES

1 BEFORE THE TRANSFER OF A GAMETE OR EMBRYO UNLESS:

2 (1) THE SURROGACY AGREEMENT PROVIDES OTHERWISE;

3 (2) THE TRANSFER OF THE GAMETE OR EMBRYO OCCURS NOT  
4 LATER THAN 36 MONTHS AFTER THE DEATH OF THE INTENDED PARENT  
5 OR BIRTH OF THE CHILD OCCURS NOT LATER THAN 45 MONTHS AFTER  
6 THE DEATH OF THE INTENDED PARENT; AND

7 (3) THE ESTATE OF THE DECEASED INTENDED PARENT IS  
8 NOTIFIED NOT LATER THAN SIX MONTHS AFTER THE DEATH OF THE  
9 INTENDED PARENT THAT THE TRANSFER MAY OCCUR.

10 § 9826. BREACH OF GENETIC SURROGACY AGREEMENT.

11 (A) REMEDIES FOR BREACH.--SUBJECT TO SECTION 9822(B)  
12 (RELATING TO TERMINATION OF GENETIC SURROGACY AGREEMENT), IF A  
13 GENETIC SURROGACY AGREEMENT IS BREACHED BY A GENETIC SURROGATE  
14 OR ONE OR MORE INTENDED PARENTS, THE NONBREACHING PARTY IS  
15 ENTITLED TO THE REMEDIES AVAILABLE AT LAW OR IN EQUITY.

16 (B) WHEN SPECIFIC PERFORMANCE PROHIBITED.--SPECIFIC  
17 PERFORMANCE IS NOT A REMEDY AVAILABLE FOR BREACH BY A GENETIC  
18 SURROGATE OF A REQUIREMENT OF A VALIDATED OR NONVALIDATED  
19 GENETIC SURROGACY AGREEMENT THAT THE GENETIC SURROGATE BE  
20 IMPREGNATED, TERMINATE OR NOT TERMINATE A PREGNANCY OR SUBMIT TO  
21 MEDICAL PROCEDURES.

22 (C) WHEN SPECIFIC PERFORMANCE PERMITTED.--EXCEPT AS  
23 OTHERWISE PROVIDED IN SUBSECTION (B), SPECIFIC PERFORMANCE IS A  
24 REMEDY AVAILABLE FOR:

25 (1) BREACH OF A VALIDATED GENETIC SURROGACY AGREEMENT BY  
26 A GENETIC SURROGATE OF A REQUIREMENT WHICH PREVENTS AN  
27 INTENDED PARENT FROM EXERCISING THE FULL RIGHTS OF PARENTAGE  
28 AFTER THE BIRTH OF THE CHILD; OR

29 (2) BREACH BY AN INTENDED PARENT WHICH PREVENTS THE  
30 INTENDED PARENT'S ACCEPTANCE OF DUTIES OF PARENTAGE AFTER THE



1 BIRTH OF THE CHILD.

2 CHAPTER 99

3 INFORMATION ABOUT DONOR

4 SEC.

5 9901. DEFINITIONS.

6 9902. APPLICABILITY.

7 9903. COLLECTION OF INFORMATION.

8 9904. DECLARATION REGARDING IDENTITY DISCLOSURE.

9 9905. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL

10 HISTORY.

11 9906. RECORDKEEPING.

12 § 9901. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "IDENTIFYING INFORMATION." ALL OF THE FOLLOWING:

17 (1) THE FULL NAME OF A DONOR;

18 (2) THE DATE OF BIRTH OF THE DONOR; AND

19 (3) THE PERMANENT AND, IF DIFFERENT, CURRENT TELEPHONE

20 NUMBER, EMAIL ADDRESS AND ADDRESS OF THE DONOR AT THE TIME OF  
21 THE DONATION.

22 "MEDICAL HISTORY." INFORMATION REGARDING ANY:

23 (1) PRESENT ILLNESS OF A DONOR;

24 (2) PAST ILLNESS OF THE DONOR; AND

25 (3) GENETIC AND FAMILY HISTORY PERTAINING TO THE HEALTH

26 OF THE DONOR.

27 § 9902. APPLICABILITY.

28 THIS CHAPTER APPLIES ONLY TO GAMETES COLLECTED ON OR AFTER  
29 THE EFFECTIVE DATE OF THIS SECTION.

30 § 9903. COLLECTION OF INFORMATION.

1 A GAMETE BANK OR FERTILITY CLINIC AUTHORIZED BY LAW TO  
2 OPERATE IN THIS COMMONWEALTH SHALL:

3 (1) COLLECT FROM A DONOR THE DONOR'S IDENTIFYING  
4 INFORMATION AND MEDICAL HISTORY AT THE TIME OF THE DONATION;

5 (2) COLLECT FROM ANY OTHER GAMETE BANK OR FERTILITY  
6 CLINIC FROM WHICH IT RECEIVES GAMETES OF A DONOR THE NAME,  
7 ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF THE OTHER  
8 GAMETE BANK OR FERTILITY CLINIC; AND

9 (3) DISCLOSE THE INFORMATION COLLECTED UNDER PARAGRAPHS  
10 (1) AND (2) IN ACCORDANCE WITH SECTION 9905 (RELATING TO  
11 DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY).  
12 § 9904. DECLARATION REGARDING IDENTITY DISCLOSURE.

13 (A) DUTIES.--A GAMETE BANK OR FERTILITY CLINIC AUTHORIZED BY  
14 LAW TO OPERATE IN THIS COMMONWEALTH WHICH COLLECTS GAMETES FROM  
15 A DONOR SHALL:

16 (1) PROVIDE THE DONOR WITH INFORMATION IN A RECORD ABOUT  
17 THE DONOR'S CHOICE REGARDING IDENTITY DISCLOSURE; AND

18 (2) OBTAIN A DECLARATION FROM THE DONOR REGARDING  
19 IDENTITY DISCLOSURE.

20 (B) OPTIONS FOR DONORS.--A GAMETE BANK OR FERTILITY CLINIC  
21 AUTHORIZED BY LAW TO OPERATE IN THIS COMMONWEALTH SHALL GIVE A  
22 DONOR THE CHOICE TO SIGN A DECLARATION, ATTESTED BY A NOTARIAL  
23 OFFICER OR WITNESSED, THAT EITHER:

24 (1) STATES THAT THE DONOR AGREES TO DISCLOSE THE DONOR'S  
25 IDENTITY TO A CHILD CONCEIVED BY ASSISTED REPRODUCTION WITH  
26 THE DONOR'S GAMETES ON REQUEST ONCE THE CHILD ATTAINS 18  
27 YEARS OF AGE; OR

28 (2) STATES THAT THE DONOR DOES NOT AGREE PRESENTLY TO  
29 DISCLOSE THE DONOR'S IDENTITY TO THE CHILD.

30 (C) WITHDRAWAL OF DECLARATIONS.--A GAMETE BANK OR FERTILITY

1 CLINIC AUTHORIZED BY LAW TO OPERATE IN THIS COMMONWEALTH SHALL  
2 PERMIT A DONOR WHO HAS SIGNED A DECLARATION UNDER SUBSECTION (B)  
3 (2) TO WITHDRAW THE DECLARATION AT ANY TIME BY SIGNING A  
4 DECLARATION UNDER SUBSECTION (B) (1).

5 § 9905. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL  
6 HISTORY.

7 (A) DUTY TO PROVIDE IDENTIFYING INFORMATION.--ON REQUEST OF  
8 A CHILD CONCEIVED BY ASSISTED REPRODUCTION WHO ATTAINS 18 YEARS  
9 OF AGE, A GAMETE BANK OR FERTILITY CLINIC AUTHORIZED BY LAW TO  
10 OPERATE IN THIS COMMONWEALTH WHICH COLLECTED THE GAMETES USED IN  
11 THE ASSISTED REPRODUCTION SHALL MAKE A GOOD FAITH EFFORT TO  
12 PROVIDE THE CHILD WITH IDENTIFYING INFORMATION OF THE DONOR WHO  
13 PROVIDED THE GAMETES, UNLESS THE DONOR SIGNED AND DID NOT  
14 WITHDRAW A DECLARATION UNDER SECTION 9904(B) (2) (RELATING TO  
15 DECLARATION REGARDING IDENTITY DISCLOSURE). IF THE DONOR SIGNED  
16 AND DID NOT WITHDRAW THE DECLARATION, THE GAMETE BANK OR  
17 FERTILITY CLINIC SHALL MAKE A GOOD FAITH EFFORT TO NOTIFY THE  
18 DONOR, WHO MAY ELECT UNDER SECTION 9904(C) TO WITHDRAW THE  
19 DONOR'S DECLARATION.

20 (B) DUTY TO PROVIDE NONIDENTIFYING MEDICAL HISTORY OF  
21 DONOR.--REGARDLESS OF WHETHER A DONOR SIGNED A DECLARATION UNDER  
22 SECTION 9904(B) (2), ON REQUEST BY A CHILD CONCEIVED BY ASSISTED  
23 REPRODUCTION WHO ATTAINS 18 YEARS OF AGE, OR, IF THE CHILD IS A  
24 MINOR, BY A PARENT OR GUARDIAN OF THE CHILD, A GAMETE BANK OR  
25 FERTILITY CLINIC AUTHORIZED BY LAW TO OPERATE IN THIS  
26 COMMONWEALTH WHICH COLLECTED THE GAMETE USED IN THE ASSISTED  
27 REPRODUCTION SHALL MAKE A GOOD FAITH EFFORT TO PROVIDE THE CHILD  
28 OR, IF THE CHILD IS A MINOR, THE PARENT OR GUARDIAN OF THE  
29 CHILD, ACCESS TO NONIDENTIFYING MEDICAL HISTORY OF THE DONOR.

30 (C) DUTY TO DISCLOSE INFORMATION ABOUT GAMETE BANK OR

1 FERTILITY CLINIC.--ON REQUEST OF A CHILD CONCEIVED BY ASSISTED  
2 REPRODUCTION WHO ATTAINS 18 YEARS OF AGE, A GAMETE BANK OR  
3 FERTILITY CLINIC AUTHORIZED BY LAW TO OPERATE IN THIS  
4 COMMONWEALTH WHICH RECEIVED GAMETES USED IN THE ASSISTED  
5 REPRODUCTION FROM ANOTHER GAMETE BANK OR FERTILITY CLINIC SHALL  
6 DISCLOSE THE NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS  
7 OF THE OTHER GAMETE BANK OR FERTILITY CLINIC FROM WHICH IT  
8 RECEIVED THE GAMETES.

9 § 9906. RECORDKEEPING.

10 (A) DONOR INFORMATION.--A GAMETE BANK OR FERTILITY CLINIC  
11 AUTHORIZED BY LAW TO OPERATE IN THIS COMMONWEALTH WHICH COLLECTS  
12 GAMETES FOR USE IN ASSISTED REPRODUCTION SHALL MAINTAIN  
13 IDENTIFYING INFORMATION AND MEDICAL HISTORY ABOUT EACH GAMETE  
14 DONOR. THE GAMETE BANK OR FERTILITY CLINIC SHALL MAINTAIN  
15 RECORDS OF GAMETE SCREENING AND TESTING AND COMPLY WITH  
16 REPORTING REQUIREMENTS, IN ACCORDANCE WITH FEDERAL LAW AND  
17 APPLICABLE LAW OF THIS COMMONWEALTH OTHER THAN THIS PART.

18 (B) GAMETE BANK OR FERTILITY CLINIC INFORMATION.--A GAMETE  
19 BANK OR FERTILITY CLINIC AUTHORIZED BY LAW TO OPERATE IN THIS  
20 COMMONWEALTH WHICH RECEIVES GAMETES FROM ANOTHER GAMETE BANK OR  
21 FERTILITY CLINIC SHALL MAINTAIN THE NAME, ADDRESS, TELEPHONE  
22 NUMBER AND EMAIL ADDRESS OF THE GAMETE BANK OR FERTILITY CLINIC  
23 FROM WHICH IT RECEIVED THE GAMETES.

24 CHAPTER 99A

25 MISCELLANEOUS PROVISIONS

26 SEC.

27 99A01. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

28 99A02. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
29 COMMERCE ACT.

30 99A03. TRANSITIONAL PROVISION.

1 § 99A01. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

2 IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION  
3 MUST BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH  
4 RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

5 § 99A02. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND  
6 NATIONAL COMMERCE ACT.

7 TO THE EXTENT PERMITTED BY SECTION 102 OF THE ELECTRONIC  
8 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (PUBLIC LAW 106-  
9 229, 15 U.S.C. § 7002), THIS PART MAY SUPERSEDE PROVISIONS OF  
10 THAT ACT.

11 § 99A03. TRANSITIONAL PROVISION.

12 THIS PART APPLIES TO A PENDING PROCEEDING TO ADJUDICATE  
13 PARENTAGE COMMENCED BEFORE THE EFFECTIVE DATE OF THIS SECTION  
14 FOR AN ISSUE ON WHICH A JUDGMENT HAS NOT BEEN ENTERED.

15 SECTION 5. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar  
16 AS THEY ARE INCONSISTENT WITH THIS ACT.

17 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.