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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 350 Session of  
2025

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INTRODUCED BY SANCHEZ, DELOZIER, McNEILL, D. MILLER, VENKAT,  
MADDEN, GIRAL, PROBST, HILL-EVANS, GUENST, NEILSON, OTTEN,  
CEPEDA-FREYTIZ, RIVERA, D. WILLIAMS, GREEN, FRANKEL,  
KENYATTA, SCHLOSSBERG, MERSKI, PIELLI, BOROWSKI, KINKEAD,  
BRIGGS, DONAHUE, FIEDLER, PROKOPIAK, KHAN, MULLINS, MAYES,  
T. DAVIS AND WARREN, APRIL 7, 2025

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 7, 2025

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AN ACT

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

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Section 2104(4) of Title 20 of the Pennsylvania

1 Consolidated Statutes is amended to read:

2 § 2104. Rules of succession.

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

5 \* \* \*

6 (4) After-born persons; time of determining  
7 relationships.--Persons begotten before the decedent's death,  
8 including a person conceived by assisted reproduction and  
9 established to be a child of the decedent under 23 Pa.C.S. §  
10 9708 (relating to parentage status of deceased individual),  
11 9813 (relating to gestational surrogacy agreement; parentage  
12 status of deceased intended parent) or 9825 (relating to  
13 genetic surrogacy agreement; parentage status of deceased  
14 intended parent), but born thereafter, shall take as if they  
15 had been born in his lifetime.

16 \* \* \*

17 Section 2. Title 20 is amended by adding a section to read:  
18 § 3332.1. Liability of executor.

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

30 Section 3. Sections 2503(b) and (d), 2504(c), 2513(b) and

1 4305(b) (1) of Title 23 are amended to read:

2 § 2503. Hearing.

3 \* \* \*

4 (b) Notice.--

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

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

13 "To: (insert petitioner's name)

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

26 (Name).....

27 (Address).....

28 .....

29 (Telephone number)....."

30 (3) The copy of the notice which is given to the

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

12 \* \* \*

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

26 \* \* \*

27 § 2504. Alternative procedure for relinquishment.

28 \* \* \*

29 (c) Putative father.--If a putative father will not execute  
30 a consent to an adoption as required by section 2711, has been

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

12 \* \* \*

13 § 2513. Hearing.

14 \* \* \*

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

29 "A petition has been filed asking the court to put an end  
30 to all rights you have to your child (insert name of child).

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

13 (Name).....  
14 (Address).....  
15 .....  
16 (Telephone number)....."

17 \* \* \*

18 § 4305. General administration of support matters.

19 \* \* \*

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

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

29 \* \* \*

30 Section 4. Section 4343 of Title 23 is repealed:

1 [§ 4343. Paternity.

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

20 (b) Limitation of actions.--

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

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

30 (c) Genetic tests.--

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

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

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

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

30 (5) A determination of paternity made by another state,

1 whether through judicial proceedings, administrative  
2 proceedings or by acknowledgment of paternity, shall be given  
3 full faith and credit in the courts of this Commonwealth.

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

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

12 § 4352. Continuing jurisdiction over support orders.

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

1 circumstances.

2 \* \* \*

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

4 [§ 5103. Acknowledgment and claim of paternity.

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

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

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

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

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

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

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

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

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

27 (d) Conclusive evidence.--Notwithstanding any other  
28 provision of law, an acknowledgment of paternity shall  
29 constitute conclusive evidence of paternity without further  
30 judicial ratification in any action to establish support. The

1 court shall give full faith and credit to an acknowledgment of  
2 paternity signed in another state according to its procedures.

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

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

12 (g) Rescission.--

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

19 (i) sixty days; or

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

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

1 cause shown.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 \* \* \*

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

18 PART IX-A

19 UNIFORM PARENTAGE ACT

20 Chapter

21 91. General Provisions

22 92. Parent-child Relationship

23 93. Voluntary Acknowledgment of Parentage

24 94. (Reserved)

25 95. Genetic Testing

26 96. Proceeding to Adjudicate Parentage

27 97. Assisted Reproduction

28 98. Surrogacy Agreement

29 99. Information about Donor

30 99A. Miscellaneous Provisions

1 CHAPTER 91

2 GENERAL PROVISIONS

3 Sec.

4 9101. Short title of part.

5 9102. Definitions.

6 9103. Scope of part.

7 9104. Applicable law.

8 9105. Data privacy.

9 9106. Construction.

10 § 9101. Short title of part.

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

12 § 9102. Definitions.

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

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

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

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

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

29 (1) a presumed parent;

30 (2) an individual whose parental rights have been

1 terminated or declared not to exist; or

2 (3) a donor.

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

5 (1) intrauterine, intracervical or vaginal insemination;

6 (2) donation of gametes;

7 (3) donation of embryos;

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

9 (5) intracytoplasmic sperm injection.

10 "Birth." Includes stillbirth.

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

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

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

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

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

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

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

29 "Gamete." A sperm or an egg.

30 "Genetic testing." An analysis of genetic markers to

1 identify or exclude a genetic relationship.

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

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

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

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

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

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

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

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

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

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

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

27 "State." A state of the United States, the District of  
28 Columbia, Puerto Rico, the United States Virgin Islands or any  
29 territory or insular possession under the jurisdiction of the  
30 United States. The term includes a federally recognized Indian

1 tribe.

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

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

8 § 9103. Scope of part.

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

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

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

18 § 9104. Applicable law.

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

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

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

23 § 9105. Data privacy.

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

1 facility or school.

2 § 9106. Construction.

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

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

10 CHAPTER 92

11 PARENT-CHILD RELATIONSHIP

12 Sec.

13 9201. Establishment of parent-child relationship.

14 9202. No discrimination.

15 9203. Consequences of establishing parentage.

16 9204. Presumption of parentage.

17 § 9201. Establishment of parent-child relationship.

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

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

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

29 (3) the individual is adjudicated a parent of the child  
30 under Chapter 96 (relating to proceeding to adjudicate

1 parentage);

2 (4) the individual adopts the child;

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

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

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

12 § 9202. No discrimination.

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

16 § 9203. Consequences of establishing parentage.

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

20 § 9204. Presumption of parentage.

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

23 (1) when the child was born:

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

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

30 (2) during the time the child was a minor, it is

1 determined by clear and convincing evidence that the  
2 individual openly held out the child as the individual's  
3 child and:

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

5 (ii) provided support for the child.

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

12 CHAPTER 93

13 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

14 Sec.

15 9301. Acknowledgment of parentage.

16 9302. Execution of acknowledgment of parentage.

17 9303. Denial of parentage.

18 9304. Rules for acknowledgment or denial of parentage.

19 9305. Effect of acknowledgment or denial of parentage.

20 9306. No filing fee.

21 9307. Ratification barred.

22 9308. Procedure for rescission.

23 9309. Challenge after expiration of period for rescission.

24 9310. Procedure for challenge by signatory.

25 9311. Full faith and credit.

26 9312. Forms for acknowledgment and denial of parentage.

27 9313. Release of information.

28 9314. Regulations.

29 § 9301. Acknowledgment of parentage.

30 (a) Who may sign acknowledgment.--Except as provided in

1 subsection (c), the individual who gave birth to a child and any  
2 of the following may sign an acknowledgment of parentage to  
3 establish the parentage of the child:

4 (1) A presumed parent of the child.

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

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

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

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

29 (d) Certifications.--The Department of Human Services shall  
30 provide necessary certifications under Part III (relating to

1 adoption) as to whether any acknowledgment or claim of parentage  
2 has been filed or indexed in regard to a child who is a  
3 prospective adoptive child.

4 § 9302. Execution of acknowledgment of parentage.

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

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

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

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

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

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

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

30 (1) an individual other than the individual seeking to

1 establish parentage is a presumed parent, unless a denial of  
2 parentage by the presumed parent in a signed record is filed  
3 with the Department of Human Services; or

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

8 § 9303. Denial of parentage.

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

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

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

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

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

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

25 § 9304. Rules for acknowledgment or denial of parentage.

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

1 neither is effective until both are filed.

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

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

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

12 § 9305. Effect of acknowledgment or denial of parentage.

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

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

28 § 9306. No filing fee.

29 The Department of Human Services may not charge a fee for  
30 filing an acknowledgment of parentage or denial of parentage.

1 § 9307. Ratification barred.

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

6 § 9308. Procedure for rescission.

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

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

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

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

27 § 9309. Challenge after expiration of period for rescission.

28 (a) Signatories.--After the period for rescission under  
29 section 9308 (relating to procedure for rescission) expires, but  
30 not later than two years after the effective date under section

1 9304 (relating to rules for acknowledgment or denial of  
2 parentage) of an acknowledgment of parentage or denial of  
3 parentage, a signatory of the acknowledgment or denial may  
4 commence a proceeding to challenge the acknowledgment or denial,  
5 including a challenge brought under section 9614 (relating to  
6 precluding establishment of parentage by perpetrator of sexual  
7 assault), only on the basis of fraud, duress or material mistake  
8 of fact.

9 (b) Nonsignatories.--A challenge to an acknowledgment of  
10 parentage or denial of parentage by an individual who was not a  
11 signatory to the acknowledgment or denial is governed by section  
12 9610 (relating to adjudicating parentage of child with  
13 acknowledged parent).

14 § 9310. Procedure for challenge by signatory.

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

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

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

30 (d) Burden of proof.--A party challenging an acknowledgment

1 of parentage or denial of parentage has the burden of proof.

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

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

10 § 9311. Full faith and credit.

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

15 § 9312. Forms for acknowledgment and denial of parentage.

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

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

23 § 9313. Release of information.

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

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

29 (2) A court.

30 (3) A child 18 years of age or older who is the subject

1 of the acknowledgment of parentage, denial of parentage or  
2 related rescission.

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

5 § 9314. Regulations.

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

8 CHAPTER 94

9 (Reserved)

10 CHAPTER 95

11 GENETIC TESTING

12 Sec.

13 9501. Definitions.

14 9502. Scope of chapter; limitation on use of genetic testing.

15 9503. Authority to order or deny genetic testing.

16 9504. Requirements for genetic testing.

17 9505. Report of genetic testing.

18 9506. Genetic testing results; challenge to results.

19 9507. Cost of genetic testing.

20 9508. Additional genetic testing.

21 9509. Genetic testing when specimen not available.

22 9510. Deceased individual.

23 9511. Identical siblings.

24 9512. Confidentiality of genetic testing.

25 § 9501. Definitions.

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

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

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

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

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

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

22 § 9502. Scope of chapter; limitation on use of genetic testing.

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

26 (1) voluntarily submits to testing; or

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

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

30 (1) to challenge the parentage status of an individual

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

5 § 9503. Authority to order or deny genetic testing.

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

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

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

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

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

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

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

1 may order genetic testing of the child and each other individual  
2 whose genetic parentage of the child is being adjudicated.

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

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

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

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

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

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

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

30 (c) Calculation of relationship index.--Based on the ethnic

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

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

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

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

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

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

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

1 identify a genetic parent.

2 § 9505. Report of genetic testing.

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

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

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

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

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

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

18 (5) the date each specimen was received.

19 § 9506. Genetic testing results; challenge to results.

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

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

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

29 (b) When challenge permitted.--An individual identified  
30 under subsection (a) as a genetic parent of the child may

1 challenge the genetic testing results only by other genetic  
2 testing satisfying the requirements of this chapter which:

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

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

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

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

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

16 § 9507. Cost of genetic testing.

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

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 commits 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;

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

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

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

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

26 § 9604. Personal jurisdiction.

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

30 (b) Nonresidents, guardians and conservators.--A court of

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

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

9 § 9605. Venue.

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

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

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

15 (3) the child resides or is located;

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

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

21 SUBCHAPTER B

22 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

23 Sec.

24 9606. Admissibility of results of genetic testing.

25 9607. Adjudicating parentage of child with alleged genetic  
26 parent.

27 9608. Adjudicating parentage of child with presumed parent.

28 9609. Adjudicating claim of de facto parentage of child.

29 9610. Adjudicating parentage of child with acknowledged parent.

30 9611. Adjudicating parentage of child with adjudicated parent.

1 9612. Adjudicating parentage of child of assisted reproduction.

2 9613. Adjudicating competing claims of parentage.

3 9614. Precluding establishment of parentage by perpetrator of  
4 sexual assault.

5 § 9606. Admissibility of results of genetic testing.

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

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

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

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

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

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

27 § 9607. Adjudicating parentage of child with alleged genetic  
28 parent.

29 (a) General rule.--A proceeding to determine whether an  
30 alleged genetic parent who is not a presumed parent is a parent

1 of a child may be commenced:

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

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

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

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

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

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

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

29 (5) is neither identified nor excluded as a genetic  
30 parent by genetic testing and, based on other evidence, the

1 court determines the alleged genetic parent to be a parent of  
2 the child.

3 (c) Multiple individuals with claims.--Except as otherwise  
4 provided in section 9614 and subject to other limitations in  
5 this chapter, if in a proceeding involving an alleged genetic  
6 parent at least one other individual in addition to the  
7 individual who gave birth to the child has a claim to parentage  
8 of the child, the court shall adjudicate parentage under section  
9 9613 (relating to adjudicating competing claims of parentage).  
10 § 9608. Adjudicating parentage of child with presumed parent.

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

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

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

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

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

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

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

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

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

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

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

25 § 9609. Adjudicating claim of de facto parentage of child.

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

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

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

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

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

5 (2) while the child is alive.

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

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

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

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

28 (d) Individual with sole claim.--In a proceeding to  
29 adjudicate parentage of an individual who claims to be a de  
30 facto parent of the child, if there is only one other individual

1 who is a parent or has a claim to parentage of the child, the  
2 court shall adjudicate the individual who claims to be a de  
3 facto parent to be a parent of the child if the individual  
4 demonstrates by clear and convincing evidence that:

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

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

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

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

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

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

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

21 (e) Multiple individuals with claims.--Subject to other  
22 limitations in this chapter, if in a proceeding to adjudicate  
23 parentage of an individual who claims to be a de facto parent of  
24 the child there is more than one other individual who is a  
25 parent or has a claim to parentage of the child and the court  
26 determines that the requirements of subsection (d) are  
27 satisfied, the court shall adjudicate parentage under section  
28 9613 (relating to adjudicating competing claims of parentage).

29 (f) In loco parentis status.--Failure to seek to establish  
30 parentage under this section does not affect an individual's

1 ability to seek in loco parentis status under law of this  
2 Commonwealth other than this part.

3 § 9610. Adjudicating parentage of child with acknowledged  
4 parent.

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

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

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

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

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

26 § 9611. Adjudicating parentage of child with adjudicated  
27 parent.

28 (a) General rule.--If a child has an adjudicated parent, a  
29 proceeding to challenge the adjudication, brought by an  
30 individual who was a party to the adjudication or received

1 notice under section 9603 (relating to notice of proceeding), is  
2 governed by the rules governing a collateral attack on a  
3 judgment.

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

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

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

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

19 § 9612. Adjudicating parentage of child of assisted  
20 reproduction.

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

27 (b) Multiple individuals with claims.--In a proceeding to  
28 adjudicate an individual's parentage of a child, if another  
29 individual other than the individual who gave birth to the child  
30 is a parent under Chapter 97, the court shall adjudicate the

1 individual's parentage of the child under section 9613 (relating  
2 to adjudicating competing claims of parentage).

3 § 9613. Adjudicating competing claims of parentage.

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

14 (1) the age of the child;

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

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

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

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

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

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

30 (1) the facts surrounding the discovery that the

1 individual might not be a genetic parent of the child; and

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

5 § 9614. Precluding establishment of parentage by perpetrator of  
6 sexual assault.

7 (a) (Reserved).

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

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

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

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

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

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

30 (1) evidence that the alleged perpetrator under

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

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

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

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

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

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

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

## 27 SUBCHAPTER C

### 28 HEARING AND ADJUDICATION

29 Sec.

30 9615. Temporary order.

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

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

- 14 (1) a presumed parent of the child;  
15 (2) petitioning to be adjudicated a parent;  
16 (3) identified as a genetic parent through genetic  
17 testing under section 9506 (relating to genetic testing  
18 results; challenge to results);  
19 (4) an alleged genetic parent who has declined to submit  
20 to genetic testing;  
21 (5) shown by clear and convincing evidence to be a  
22 parent of the child; or  
23 (6) an acknowledged parent, an intended parent or any  
24 other parent under this part.

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

28 § 9616. Combining proceedings.

29 (a) General rule.--Except as otherwise provided in  
30 subsection (b), the court may combine a proceeding to adjudicate

1 parentage under this part with a proceeding for adoption,  
2 termination of parental rights, child custody or visitation,  
3 child support, divorce, dissolution or annulment, administration  
4 of an estate or another appropriate proceeding.

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

9 § 9617. Proceeding before birth.

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

15 § 9618. Child as party; representation.

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

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

22 § 9619. Court to adjudicate parentage.

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

25 § 9620. Hearing; inspection of records.

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

29 (b) Final order and other documents.--A final order in a  
30 proceeding under this chapter is available for public

1 inspection. Other papers and records are available for public  
2 inspection only with the consent of the parties or by court  
3 order.

4 § 9621. Dismissal for want of prosecution.

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

9 § 9622. Order adjudicating parentage.

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

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

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

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

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

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

3           (e) Child name changes.--On request of a party and for good  
4 cause, the court in a proceeding under this chapter may order  
5 the name of the child changed. If the court order changing the  
6 name varies from the name on the birth certificate of the child,  
7 the court shall order the department to issue an amended birth  
8 certificate.

9 § 9623. Binding effect of determination of parentage.

10          (a) General rule.--Except as otherwise provided in  
11 subsection (b):

12           (1) a signatory to an acknowledgment of parentage or  
13 denial of parentage is bound by the acknowledgment and denial  
14 as provided in Chapter 93 (relating to voluntary  
15 acknowledgment of parentage); and

16           (2) a party to an adjudication of parentage by a court  
17 acting under circumstances that satisfy the jurisdiction  
18 requirements of section 7201 (relating to bases for  
19 jurisdiction over nonresident) and any individual who  
20 received notice of the proceeding are bound by the  
21 adjudication.

22          (b) Children.--A child is not bound by a determination of  
23 parentage under this part unless:

24           (1) the determination of parentage was based on an  
25 unrescinded acknowledgment of parentage and the  
26 acknowledgment is consistent with the results of genetic  
27 testing;

28           (2) the determination of parentage was based on a  
29 finding consistent with the results of genetic testing and  
30 the consistency is declared in the determination or otherwise

1 shown;

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

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

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

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

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

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

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

29 CHAPTER 97

30 ASSISTED REPRODUCTION

1 Sec.

2 9701. Scope of chapter.

3 9702. Parental status of donor.

4 9703. Parentage of child of assisted reproduction.

5 9704. Consent to assisted reproduction.

6 9705. Limitation on spouse's dispute of parentage.

7 9706. Effect of certain legal proceedings regarding marriage.

8 9707. Withdrawal of consent.

9 9708. Parentage status of deceased individual.

10 9709. Order or judgment of parentage.

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

28 (1) in a record signed before, on or after the birth of  
29 the child by the individual giving birth to the child and by  
30 another individual who intends to be a parent of the child;

1 or

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

4 (b) Exception.--In the absence of evidence under subsection  
5 (a), consent may be established if the court finds that the  
6 individual who did not give birth to the child resided with the  
7 child after birth and assumed the role of a parent of the child.  
8 § 9705. Limitation on spouse's dispute of parentage.

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

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

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

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

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

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

30 (3) the spouse never openly held out the child as the

1 spouse's child.

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

5 § 9706. Effect of certain legal proceedings regarding marriage.

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

16 (b) After commencement of proceeding.--

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

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

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

1 § 9707. Withdrawal of consent.

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

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

14 § 9708. Parentage status of deceased individual.

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

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

28 (1) one of the following applies:

29 (i) the individual consented in a record that if  
30 assisted reproduction were to occur after the death of

1 the individual, the individual would be a parent of the  
2 child; or

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

7 (2) both of the following apply:

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

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

15 § 9709. Order or judgment of parentage.

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

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

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

29 (2) ordering that parental rights and duties vest  
30 immediately on the birth of the child exclusively in each

1 intended parent; and  
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 (c) Order or judgment before birth.--The court may issue an  
6 order or judgment under this section before the birth of the  
7 child. The court shall stay enforcement of the order or judgment  
8 until the birth of the child.

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

## 13 CHAPTER 98

### 14 SURROGACY AGREEMENT

#### 15 Subchapter

##### 16 A. General Requirements

##### 17 B. Special Rules for Gestational Surrogacy Agreement

##### 18 C. Special Rules for Genetic Surrogacy Agreement

#### 19 SUBCHAPTER A

### 20 GENERAL REQUIREMENTS

#### 21 Sec.

22 9801. Definitions.

23 9802. Eligibility to enter into surrogacy agreement.

24 9803. Requirements of surrogacy agreement: process.

25 9804. Requirements of surrogacy agreements: content.

26 9805. Surrogacy agreement: effect of subsequent change of  
27 marital status.

28 9806. Inspection of documents and records.

29 9807. Exclusive, continuing jurisdiction.

30 § 9801. Definitions.

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

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

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

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

20 "Surrogate." A genetic surrogate or a gestational surrogate.  
21 § 9802. Eligibility to enter into surrogacy agreement.

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

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

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

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

9 (1) have attained 21 years of age;

10 (2) complete a mental health consultation by a licensed  
11 mental health professional; and

12 (3) have independent legal representation by an  
13 attorney, licensed to practice law in this Commonwealth, of  
14 the intended parent's choice, throughout the negotiation,  
15 execution and duration of the surrogacy agreement, regarding  
16 the terms of the surrogacy agreement and the potential legal  
17 consequences of the agreement.

18 § 9803. Requirements of surrogacy agreement: process.

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

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

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

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

29 (2) A surrogate and each intended parent must meet the  
30 requirements of section 9802 (relating to eligibility to

1 enter into surrogacy agreement).

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

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

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

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

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

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

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

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

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

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

30 (9) The surrogacy agreement must be executed before a

1 medical procedure occurs related to the surrogacy agreement,  
2 other than the medical evaluation and mental health  
3 consultation required by section 9802.

4 § 9804. Requirements of surrogacy agreements: content.

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

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

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

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

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

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

1 mental or physical condition of each child.

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

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

30 (8) The surrogacy agreement must include information

1 about each party's right under this chapter to terminate the  
2 surrogacy agreement.

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

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

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

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

13 § 9805. Surrogacy agreement: effect of subsequent change of  
14 marital status.

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

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

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

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

29 (1) the marriage of an intended parent after the  
30 surrogacy agreement is signed by all parties does not affect

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

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

12 § 9806. Inspection of documents and records.

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

24 § 9807. Exclusive, continuing jurisdiction.

25 During the period after the execution of a surrogacy  
26 agreement until 180 days after the birth of a child conceived by  
27 assisted reproduction under the surrogacy agreement, a court  
28 conducting a proceeding under this part has exclusive,  
29 continuing jurisdiction over all matters arising out of the  
30 surrogacy agreement. This section does not give the court

1 jurisdiction over a child custody proceeding or child support  
2 proceeding if jurisdiction is not otherwise authorized by the  
3 law of this Commonwealth other than this part.

4 SUBCHAPTER B

5 SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT

6 Sec.

7 9811. Termination of gestational surrogacy agreement.

8 9812. Parentage under gestational surrogacy agreement.

9 9813. Gestational surrogacy agreement: parentage status of  
10 deceased intended parent.

11 9814. Gestational surrogacy agreement: order of parentage.

12 9815. Effect of gestational surrogacy agreement.

13 § 9811. Termination of gestational surrogacy agreement.

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

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

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

1 liquidated damages for terminating a gestational surrogacy  
2 agreement under this section.

3 § 9812. Parentage under gestational surrogacy agreement.

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

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

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

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

1 or former spouse, if any, is a parent of the child, subject to  
2 any other claim of parentage.

3 § 9813. Gestational surrogacy agreement: parentage status of  
4 deceased intended parent.

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

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

16 (1) the surrogacy agreement provides otherwise;

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

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

24 § 9814. Gestational surrogacy agreement: order of parentage.

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

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

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

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

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

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

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

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

30       (4) to protect the privacy of the child and the parties,

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

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

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

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

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

16 § 9815. Effect of gestational surrogacy agreement.

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

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

1 execution of the surrogacy agreement was a spouse of a party to  
2 the surrogacy agreement has standing to maintain a proceeding to  
3 adjudicate an issue related to the enforcement of the surrogacy  
4 agreement.

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

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

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

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

21 SUBCHAPTER C

22 SPECIAL RULES FOR GENETIC SURROGACY AGREEMENT

23 Sec.

24 9821. Requirements to validate genetic surrogacy agreement.

25 9822. Termination of genetic surrogacy agreement.

26 9823. Parentage under validated genetic surrogacy agreement.

27 9824. Effect of nonvalidated genetic surrogacy agreement.

28 9825. Genetic surrogacy agreement; parentage status of deceased  
29 intended parent.

30 9826. Breach of genetic surrogacy agreement.

1 § 9821. Requirements to validate genetic surrogacy agreement.

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

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

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

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

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

24 § 9822. Termination of genetic surrogacy agreement.

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

1 subsequent gamete or embryo transfer. The notice of termination  
2 must be attested by a notarial officer or witnessed.

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

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

15 § 9823. Parentage under validated genetic surrogacy agreement.

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

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

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

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

30 (3) designating the contents of the birth certificate in

1 accordance with the law of this Commonwealth other than this  
2 part and directing the department to designate each intended  
3 parent as a parent of the child;

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

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

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

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

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

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

8 § 9824. Effect of nonvalidated genetic surrogacy agreement.

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

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

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

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

28 (c) Adjudication of parentage.--If a child conceived by  
29 assisted reproduction under a genetic surrogacy agreement that  
30 is not validated under section 9821 is born, the genetic

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

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

10 § 9825. Genetic surrogacy agreement; parentage status of  
11 deceased intended parent.

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

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

26 (1) the surrogacy agreement provides otherwise;

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



1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Identifying information." All of the following:

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

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

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

15 § 9902. Applicability.

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

18 § 9903. Collection of information.

19 A gamete bank or fertility clinic authorized by law to  
20 operate in this Commonwealth shall:

- 21 (1) collect from a donor the donor's identifying  
22 information and medical history at the time of the donation;
- 23 (2) collect from any other gamete bank or fertility  
24 clinic from which it receives gametes of a donor the name,  
25 address, telephone number and email address of the other  
26 gamete bank or fertility clinic; and
- 27 (3) disclose the information collected under paragraphs  
28 (1) and (2) in accordance with section 9905 (relating to  
29 disclosure of identifying information and medical history).

30 § 9904. Declaration regarding identity disclosure.

1 (a) Duties.--A gamete bank or fertility clinic authorized by  
2 law to operate in this Commonwealth which collects gametes from  
3 a donor shall:

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

6 (2) obtain a declaration from the donor regarding  
7 identity disclosure.

8 (b) Options for donors.--A gamete bank or fertility clinic  
9 authorized by law to operate in this Commonwealth shall give a  
10 donor the choice to sign a declaration, attested by a notarial  
11 officer or witnessed, that either:

12 (1) states that the donor agrees to disclose the donor's  
13 identity to a child conceived by assisted reproduction with  
14 the donor's gametes on request once the child attains 18  
15 years of age; or

16 (2) states that the donor does not agree presently to  
17 disclose the donor's identity to the child.

18 (c) Withdrawal of declarations.--A gamete bank or fertility  
19 clinic authorized by law to operate in this Commonwealth shall  
20 permit a donor who has signed a declaration under subsection (b)  
21 (2) to withdraw the declaration at any time by signing a  
22 declaration under subsection (b)(1).

23 § 9905. Disclosure of identifying information and medical  
24 history.

25 (a) Duty to provide identifying information.--On request of  
26 a child conceived by assisted reproduction who attains 18 years  
27 of age, a gamete bank or fertility clinic authorized by law to  
28 operate in this Commonwealth which collected the gametes used in  
29 the assisted reproduction shall make a good faith effort to  
30 provide the child with identifying information of the donor who

1 provided the gametes, unless the donor signed and did not  
2 withdraw a declaration under section 9904(b)(2) (relating to  
3 declaration regarding identity disclosure). If the donor signed  
4 and did not withdraw the declaration, the gamete bank or  
5 fertility clinic shall make a good faith effort to notify the  
6 donor, who may elect under section 9904(c) to withdraw the  
7 donor's declaration.

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

18 (c) Duty to disclose information about gamete bank or  
19 fertility clinic.--On request of a child conceived by assisted  
20 reproduction who attains 18 years of age, a gamete bank or  
21 fertility clinic authorized by law to operate in this  
22 Commonwealth which received gametes used in the assisted  
23 reproduction from another gamete bank or fertility clinic shall  
24 disclose the name, address, telephone number and email address  
25 of the other gamete bank or fertility clinic from which it  
26 received the gametes.

27 § 9906. Recordkeeping.

28 (a) Donor information.--A gamete bank or fertility clinic  
29 authorized by law to operate in this Commonwealth which collects  
30 gametes for use in assisted reproduction shall maintain

1 identifying information and medical history about each gamete  
2 donor. The gamete bank or fertility clinic shall maintain  
3 records of gamete screening and testing and comply with  
4 reporting requirements, in accordance with Federal law and  
5 applicable law of this Commonwealth other than this part.

6 (b) Gamete bank or fertility clinic information.--A gamete  
7 bank or fertility clinic authorized by law to operate in this  
8 Commonwealth which receives gametes from another gamete bank or  
9 fertility clinic shall maintain the name, address, telephone  
10 number and email address of the gamete bank or fertility clinic  
11 from which it received the gametes.

12 CHAPTER 99A

13 MISCELLANEOUS PROVISIONS

14 Sec.

15 99A01. Uniformity of application and construction.

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

18 99A03. Transitional provision.

19 § 99A01. Uniformity of application and construction.

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

23 § 99A02. Relation to Electronic Signatures in Global and  
24 National Commerce Act.

25 To the extent permitted by section 102 of the Electronic  
26 Signatures in Global and National Commerce Act (Public Law 106-  
27 229, 15 U.S.C. § 7002), this part may supersede provisions of  
28 that act.

29 § 99A03. Transitional provision.

30 This part applies to a pending proceeding to adjudicate

1 parentage commenced before the effective date of this section  
2 for an issue on which a judgment has not been entered.

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

4 § 931. Original jurisdiction and venue.

5 \* \* \*

6 (c) Venue and process.--Except as provided by section 5101.1  
7 (relating to venue in medical professional liability actions)  
8 [and], Subchapter B of Chapter 85 (relating to actions against  
9 Commonwealth parties) and 23 Pa.C.S. § 9605 (relating to venue),  
10 the venue of a court of common pleas concerning matters over  
11 which jurisdiction is conferred by this section shall be as  
12 prescribed by general rule. The process of the court shall  
13 extend beyond the territorial limits of the judicial district to  
14 the extent prescribed by general rule. Except as otherwise  
15 prescribed by general rule, in a proceeding to enforce an order  
16 of a government agency the process of the court shall extend  
17 throughout this Commonwealth.

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

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