

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2070 Session of
2014

INTRODUCED BY CLYMER, MARCH 10, 2014

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for paternity of
3 children born during a marriage.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5102.1. Paternity of child born during marriage.

9 (a) Presumption of paternity.--A child born during a
10 marriage is presumed to be the child of the marriage and the
11 issue of the husband.

12 (b) Rebuttal of presumption.--The husband or wife may rebut
13 the presumption of paternity by a showing of any of the
14 following:

15 (1) the husband did not have access to the wife at the
16 time of conception;

17 (2) the husband was physically incapable of procreation
18 at the time of conception;

19 (3) the wife was engaged in an extramarital relationship

1 at the time of conception; or

2 (4) the husband voluntarily completed a blood test which
3 determines that the husband could not be the father of the
4 child.

5 (c) Applicability of presumption.--The presumption of
6 paternity in subsection (a) shall apply in instances where an
7 intact family exists.

8 (d) Estoppel of paternity actions.--Notwithstanding
9 subsection (b), an action for paternity shall be estopped and
10 the presumption of paternity shall become irrebuttable if there
11 is clear and convincing evidence that the husband openly holds
12 out the child to be his and receives the child into his home for
13 a period of two or more years after the birth of the child.

14 (e) Definition.--As used in this section, the phrase "an
15 intact family exists" means that at the time of the birth of the
16 child, the husband and wife cohabit and are acting as a
17 married couple and parents to the child.

18 Section 2. Section 5104(g) of Title 23 is amended to read:

19 § 5104. Blood tests to determine paternity.

20 * * *

21 (g) Effect on presumption of [legitimacy.--The] paternity.--
22 As provided in section 5102.1 (relating to paternity of child
23 born during marriage), the presumption of [legitimacy] paternity
24 of a child born during [wedlock] a marriage is overcome if the
25 court finds that the conclusions of all the experts as disclosed
26 by the evidence based upon the tests show that the husband is
27 not the father of the child.

28 Section 3. This act shall take effect immediately.