
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 243 Session of
2019

INTRODUCED BY D. MILLER, MURT, SCHLOSSBERG, RABB, T. DAVIS,
ISAACSON, OTTEN, CALTAGIRONE, KORTZ, HILL-EVANS, YOUNGBLOOD
AND McCLINTON, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2019

AN ACT

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

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 23 of the Pennsylvania Consolidated
12 Statutes is amended by adding a part to read:

13 PART IX-A

14 UNIFORM PARENTAGE ACT

15 Chapter

16 91. General Provisions

17 92. Parent-child Relationship

18 93. Voluntary Acknowledgment of Parentage

19 94. Registry of Paternity

20 95. Genetic Testing

- 1 96. Proceeding to Adjudicate Parentage
- 2 97. Assisted Reproduction
- 3 98. Surrogacy Agreement
- 4 99. Information about Donor
- 5 99A. Miscellaneous Provisions

6 CHAPTER 91

7 GENERAL PROVISIONS

8 Sec.

9 9101. Short title of part.

10 9102. Definitions.

11 9103. Scope of part.

12 9104. Authorized court.

13 9105. Applicable law.

14 9106. Data privacy.

15 9107. Establishment of maternity and paternity.

16 § 9101. Short title of part.

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

18 § 9102. Definitions.

19 Subject to additional definitions contained in subsequent
20 provisions of this part which are applicable to specific
21 provisions of this part, the following words and phrases when
22 used in this part shall have the meanings given to them in this
23 section unless the context clearly indicates otherwise:

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

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

29 "Alleged genetic parent." An individual who is alleged to
30 be, or alleges that the individual is, a genetic parent or

1 possible genetic parent of a child whose parentage has not been
2 adjudicated. The term includes an alleged genetic father and
3 alleged genetic mother. The term does not include:

4 (1) a presumed parent;

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

7 (3) a donor.

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

10 (1) intrauterine or intracervical insemination;

11 (2) donation of gametes;

12 (3) donation of embryos;

13 (4) in-vitro fertilization and transfer of embryos; and

14 (5) intracytoplasmic sperm injection.

15 "Birth." Includes stillbirth.

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

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

22 "Determination of parentage." Establishment of a parent-
23 child relationship by a judicial or administrative proceeding or
24 signing of a valid acknowledgment of parentage under Chapter 93.

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

28 (1) a woman who gives birth to a child conceived by
29 assisted reproduction, except as otherwise provided in
30 Chapter 98 (relating to surrogacy agreement); or

1 (2) a parent under Chapter 97 (relating to assisted
2 reproduction) or an intended parent under Chapter 98.
3 "Gamete." A sperm, an egg or any part of a sperm or an egg.
4 "Genetic testing." An analysis of genetic markers to
5 identify or exclude a genetic relationship.
6 "Individual." A natural person of any age.
7 "Intended parent." An individual, married or unmarried, who
8 manifests an intent to be legally bound as a parent of a child
9 conceived by assisted reproduction.
10 "Man." A male individual of any age.
11 "Parent." An individual who has established a parent-child
12 relationship under section 9201 (relating to establishment of
13 parent-child relationship).
14 "Parentage" or "parent-child relationship." The legal
15 relationship between a child and a parent of the child.
16 "Presumed parent." An individual who, under section 9204
17 (relating to presumption of parentage), is presumed to be a
18 parent of a child, unless the presumption is overcome in a
19 judicial proceeding, a valid denial of parentage is made under
20 Chapter 93 or a court adjudicates the individual to be a parent.
21 "Record." Information that is inscribed on a tangible medium
22 or that is stored in an electronic or other medium and is
23 retrievable in perceivable form.
24 "Sign." With present intent to authenticate or adopt a
25 record:
26 (1) to execute or adopt a tangible symbol; or
27 (2) to attach to or logically associate with the record
28 an electronic symbol, sound or process.
29 "Signatory." An individual who signs a record.
30 "State." A state of the United States, the District of

1 Columbia, Puerto Rico, the United States Virgin Islands or any
2 territory or insular possession under the jurisdiction of the
3 United States. The term includes a federally recognized Indian
4 tribe.

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

8 "Witnessed." At least one individual who is authorized to
9 sign has signed a record to verify that the individual
10 personally observed a signatory sign the record.

11 "Woman." A female individual of any age.

12 § 9103. Scope of part.

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

15 (b) Construction.--This part does not create, affect,
16 enlarge or diminish parental rights or duties under the law of
17 this state other than this part.

18 § 9104. Authorized court.

19 The court may adjudicate parentage under this part.

20 § 9105. Applicable law.

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

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

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

25 § 9106. Data privacy.

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

1 digital contact information, place of employment, Social
2 Security number and the child's day-care facility or school.
3 § 9107. Establishment of maternity and paternity.

4 To the extent practicable, a provision of this part
5 applicable to a father-child relationship applies to a mother-
6 child relationship and a provision of this part applicable to a
7 mother-child relationship applies to a father-child
8 relationship.

9 CHAPTER 92

10 PARENT-CHILD RELATIONSHIP

11 Sec.

12 9201. Establishment of parent-child relationship.

13 9202. No discrimination based on marital status of parent.

14 9203. Consequences of establishing parentage.

15 9204. Presumption of parentage.

16 § 9201. Establishment of parent-child relationship.

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

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

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

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

1 (4) the individual adopts the child;

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

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

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

11 § 9202. No discrimination based on marital status of parent.

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

14 § 9203. Consequences of establishing parentage.

15 Unless parental rights are terminated, a parent-child
16 relationship established under this part applies for all
17 purposes, except as otherwise provided by the law of this state
18 other than this part.

19 § 9204. Presumption of parentage.

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

22 (1) except as otherwise provided under Chapter 98
23 (relating to surrogacy agreement) or the law of this state
24 other than this part:

25 (i) the individual and the woman who gave birth to
26 the child are married to each other and the child is born
27 during the marriage, whether the marriage is or could be
28 declared invalid;

29 (ii) the individual and the woman who gave birth to
30 the child were married to each other and the child is

1 born not later than 300 days after the marriage is
2 terminated by death, divorce, dissolution or annulment,
3 whether the marriage is or could be declared invalid; or

4 (iii) the individual and the woman who gave birth to
5 the child married each other after the birth of the
6 child, whether the marriage is or could be declared
7 invalid, the individual at any time asserted parentage of
8 the child and:

9 (A) the assertion is in a record filed with the
10 Bureau of Vital Statistics; or

11 (B) the individual agreed to be and is named as
12 a parent of the child on the birth certificate of the
13 child; or

14 (2) the individual resided in the same household with
15 the child for the first two years of the life of the child,
16 including any period of temporary absence, and openly held
17 out the child as the individual's child.

18 (b) Effect of presumption of parentage.--A presumption of
19 parentage under this section may be overcome and competing
20 claims to parentage may be resolved only by an adjudication
21 under Chapter 96 (relating to proceeding to adjudicate
22 parentage) or a valid denial of parentage under Chapter 93
23 (relating to voluntary acknowledgment of parentage).

24 CHAPTER 93

25 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

26 Sec.

27 9301. Acknowledgment of parentage.

28 9302. Execution of acknowledgment of parentage.

29 9303. Denial of parentage.

30 9304. Rules for acknowledgment or denial of parentage.

1 9305. Effect of acknowledgment or denial of parentage.
2 9306. No filing fee.
3 9307. Ratification barred.
4 9308. Procedure for rescission.
5 9309. Challenge after expiration of period for rescission.
6 9310. Procedure for challenge by signatory.
7 9311. Full faith and credit.
8 9312. Forms for acknowledgment and denial of parentage.
9 9313. Release of information.
10 9314. Adoption of rules.

11 § 9301. Acknowledgment of parentage.

12 A woman who gave birth to a child and an alleged genetic
13 father of the child, intended parent under Chapter 97 (relating
14 to assisted reproduction) or presumed parent may sign an
15 acknowledgment of parentage to establish the parentage of the
16 child.

17 § 9302. Execution of acknowledgment of parentage.

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

20 (1) be in a record signed by the woman who gave birth to
21 the child and by the individual seeking to establish a
22 parent-child relationship and the signatures must be attested
23 by a notarial officer or witnessed;

24 (2) state that the child whose parentage is being
25 acknowledged:

26 (i) does not have a presumed parent other than the
27 individual seeking to establish the parent-child
28 relationship or has a presumed parent whose full name is
29 stated; and

30 (ii) does not have another acknowledged parent,

1 adjudicated parent or individual who is a parent of the
2 child under Chapter 97 (relating to assisted
3 reproduction) or 98 (relating to surrogacy agreement)
4 other than the woman who gave birth to the child; and
5 (3) state that the signatories understand that the
6 acknowledgment is the equivalent of an adjudication of
7 parentage of the child and that a challenge to the
8 acknowledgment is permitted only under limited circumstances
9 and is barred two years after the effective date of the
10 acknowledgment.

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

13 (1) an individual other than the individual seeking to
14 establish parentage is a presumed parent, unless a denial of
15 parentage by the presumed parent in a signed record, is filed
16 with the Bureau of Vital Statistics; or

17 (2) an individual, other than the woman who gave birth
18 to the child or the individual seeking to establish
19 parentage, is an acknowledged or adjudicated parent or a
20 parent under Chapter 97 or 98.

21 § 9303. Denial of parentage.

22 A presumed parent or alleged genetic parent may sign a denial
23 of parentage in a record. The denial of parentage is valid only
24 if:

25 (1) an acknowledgment of parentage by another individual
26 is filed under section 9305 (relating to effect of
27 acknowledgment or denial of parentage);

28 (2) the signature of the presumed parent or alleged
29 genetic parent is attested by a notarial officer or
30 witnessed; and

1 (3) the presumed parent or alleged genetic parent has
2 not previously:

3 (i) completed a valid acknowledgment of parentage,
4 unless the previous acknowledgment was rescinded under
5 section 9308 (relating to procedure for rescission) or
6 challenged successfully under section 9309 (relating to
7 challenge after expiration of period for rescission); or
8 (ii) been adjudicated to be a parent of the child.

9 § 9304. Rules for acknowledgment or denial of parentage.

10 (a) General rule.--An acknowledgment of parentage and a
11 denial of parentage may be contained in a single document or may
12 be in counterparts and may be filed with the Bureau of Vital
13 Statistics separately or simultaneously. If filing of the
14 acknowledgment and denial both are required under this part,
15 neither is effective until both are filed.

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

19 (c) Effective date.--Subject to subsection (a), an
20 acknowledgment of parentage or denial of parentage takes effect
21 on the birth of the child or filing of the document with the
22 Bureau of Vital Statistics, whichever occurs later.

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

26 § 9305. Effect of acknowledgment or denial of parentage.

27 (a) Acknowledgment of parentage.--Except as otherwise
28 provided in sections 9308 (relating to procedure for rescission)
29 and 9309 (relating to challenge after expiration of period for
30 rescission), an acknowledgment of parentage that complies with

1 this chapter and is filed with the Bureau of Vital Statistics is
2 equivalent to an adjudication of parentage of the child and
3 confers on the acknowledged parent all rights and duties of a
4 parent.

5 (b) Denial of parentage.--Except as otherwise provided in
6 sections 9308 and 9309, a denial of parentage by a presumed
7 parent or alleged genetic parent which complies with this
8 chapter and is filed with the Bureau of Vital Statistics with an
9 acknowledgment of parentage that complies with this chapter is
10 equivalent to an adjudication of the nonparentage of the
11 presumed parent or alleged genetic parent and discharges the
12 presumed parent or alleged genetic parent from all rights and
13 duties of a parent.

14 § 9306. No filing fee.

15 The Bureau of Vital Statistics may not charge a fee for
16 filing an acknowledgment of parentage or denial of parentage.

17 § 9307. Ratification barred.

18 A court conducting a judicial proceeding or an administrative
19 agency conducting an administrative proceeding is not required
20 or permitted to ratify an unchallenged acknowledgment of
21 parentage.

22 § 9308. Procedure for rescission.

23 (a) General rule.--A signatory may rescind an acknowledgment
24 of parentage or denial of parentage by filing with the Bureau of
25 Vital Statistics a rescission in a signed record which is
26 attested by a notarial officer or witnessed before the earlier
27 of:

28 (1) sixty days after the effective date under section
29 9304 (relating to rules for acknowledgment or denial of
30 parentage) of the acknowledgment or denial; or

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

5 (b) Associated denial of parentage.--If an acknowledgment of
6 parentage is rescinded under subsection (a), an associated
7 denial of parentage is invalid, and the Bureau of Vital
8 Statistics shall notify the woman who gave birth to the child
9 and the individual who signed a denial of parentage of the child
10 that the acknowledgment has been rescinded. Failure to give the
11 notice required by this subsection does not affect the validity
12 of the rescission.

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

14 (a) Signatories.--After the period for rescission under
15 section 9308 (relating to procedure for rescission) expires, but
16 not later than two years after the effective date under section
17 9304 (relating to rules for acknowledgment or denial of
18 parentage) of an acknowledgment of parentage or denial of
19 parentage, a signatory of the acknowledgment or denial may
20 commence a proceeding to challenge the acknowledgment or denial,
21 including a challenge brought under section 9614 (relating to
22 precluding establishment of parentage by perpetrator of sexual
23 assault), only on the basis of fraud, duress or material mistake
24 of fact.

25 (b) Nonsignatories.--A challenge to an acknowledgment of
26 parentage or denial of parentage by an individual who was not a
27 signatory to the acknowledgment or denial is governed by section
28 9310 (relating to procedure for challenge by signatory).

29 § 9310. Procedure for challenge by signatory.

30 (a) Parties.--Every signatory to an acknowledgment of

1 parentage and any related denial of parentage must be made a
2 party to a proceeding to challenge the acknowledgment or denial.

3 (b) Personal jurisdiction.--By signing an acknowledgment of
4 parentage or denial of parentage, a signatory submits to
5 personal jurisdiction in this state in a proceeding to challenge
6 the acknowledgment or denial, effective on the filing of the
7 acknowledgment or denial with the Bureau of Vital Statistics.

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

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

16 (e) Order to amend birth record.--If the court determines
17 that a party has satisfied the burden of proof under subsection
18 (d), the court shall order the Bureau of Vital Statistics to
19 amend the birth record of the child to reflect the legal
20 parentage of the child.

21 (f) Conduct of proceedings.--A proceeding to challenge an
22 acknowledgment of parentage or denial of parentage must be
23 conducted under Chapter 96 (relating to proceeding to adjudicate
24 parentage).

25 § 9311. Full faith and credit.

26 The court shall give full faith and credit to an
27 acknowledgment of parentage or denial of parentage effective in
28 another state if the acknowledgment or denial is in a signed
29 record and otherwise complies with the law of the other state.

30 § 9312. Forms for acknowledgment and denial of parentage.

1 (a) Duty to prescribe forms.--The Bureau of Vital Statistics
2 shall prescribe forms for an acknowledgment of parentage and
3 denial of parentage.

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

7 § 9313. Release of information.

8 The Bureau of Vital Statistics may release information
9 relating to an acknowledgment of parentage or denial of
10 parentage to a signatory of the acknowledgment or denial, court,
11 Federal agency and child-support agency of this or another
12 state.

13 § 9314. Adoption of rules.

14 The Bureau of Vital Statistics may adopt rules to implement
15 this chapter.

16 CHAPTER 94

17 REGISTRY OF PATERNITY

18 Subchapter

19 A. General Provisions

20 B. Operation of Registry

21 C. Search of Registry

22 SUBCHAPTER A

23 GENERAL PROVISIONS

24 Sec.

25 9401. Establishment of registry.

26 9402. Registration for notification.

27 9403. Notice of proceeding.

28 9404. Termination of parental rights: child under one year of
29 age.

30 9405. Termination of parental rights: child at least one year

1 of age.

2 § 9401. Establishment of registry.

3 A registry of paternity is established in the Department of
4 Health.

5 § 9402. Registration for notification.

6 (a) General rule.--Except as otherwise provided in
7 subsection (b) or section 9405 (relating to termination of
8 parental rights: child at least one year of age), a man who
9 desires to be notified of a proceeding for adoption of or
10 termination of parental rights regarding his genetic child must
11 register in the registry of paternity established by section
12 9401 (relating to establishment of registry) before the birth of
13 the child or not later than 30 days after the birth.

14 (b) Exemption from registry.--A man is not required to
15 register under subsection (a) if:

16 (1) a parent-child relationship between the man and the
17 child has been established under this part or the law of this
18 state other than this part; or

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

21 (c) Duty to notify registry of changes.--A man who registers
22 under subsection (a) shall notify the registry promptly in a
23 record of any change in the information registered. The
24 Department of Health shall incorporate new information received
25 into its records but need not seek to obtain current information
26 for incorporation in the registry.

27 § 9403. Notice of proceeding.

28 An individual who seeks to adopt a child or terminate
29 parental rights to the child shall give notice of the proceeding
30 to a man who has registered timely under section 9402(a)

1 (relating to registration for notification) regarding the child.
2 Notice must be given in a manner prescribed for service of
3 process in a civil proceeding in this state.

4 § 9404. Termination of parental rights: child under one year of
5 age.

6 An individual who seeks to adopt or terminate parental rights
7 to a child is not required to give notice of the proceeding to a
8 man who may be the genetic father of the child if:

9 (1) the child is under one year of age at the time of
10 the termination of parental rights;

11 (2) the man did not register timely under section
12 9402(a) (relating to registration for notification); and

13 (3) the man is not exempt from registration under
14 section 9402(b).

15 § 9405. Termination of parental rights: child at least one year
16 of age.

17 If a child is at least one year of age, an individual seeking
18 to adopt or terminate parental rights to the child shall give
19 notice of the proceeding to each alleged genetic father of the
20 child, whether or not he has registered under section 9402(a)
21 (relating to registration for notification), unless his parental
22 rights have already been terminated. Notice must be given in a
23 manner prescribed for service of process in a civil proceeding
24 in this state.

25 SUBCHAPTER B

26 OPERATION OF REGISTRY

27 Sec.

28 9406. Required form.

29 9407. Furnishing information; confidentiality.

30 9408. Penalty for releasing information.

1 9409. Rescission of registration.

2 9410. Untimely registration.

3 9411. Fees for registry.

4 § 9406. Required form.

5 (a) Contents.--The Department of Health shall prescribe a
6 form for registering under section 9402(a) (relating to
7 registration for notification). The form must state that:

8 (1) the man who registers signs the form under penalty
9 of perjury;

10 (2) timely registration entitles the man who registers
11 to notice of a proceeding for adoption of the child or
12 termination of the parental rights of the man;

13 (3) timely registration does not commence a proceeding
14 to establish parentage;

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

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

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

23 (7) information on registries of paternity of other
24 states is available from the Department of Health; and

25 (8) procedures exist to rescind the registration.

26 (b) Penalty.--A man who registers under section 9402(a)
27 shall sign the form described in subsection (a) under penalty of
28 perjury.

29 § 9407. Furnishing information; confidentiality.

30 (a) Duty of Department of Health.--The Department of Health

1 is not required to seek to locate the woman who gave birth to
2 the child who is the subject of a registration under section
3 9402(a) (relating to registration for notification), but the
4 Department of Health shall give notice of the registration to
5 the woman if the Department of Health has her address.

6 (b) Access to confidential information.--Information
7 contained in the registry of paternity established by section
8 9401 (relating to establishment of registry) is confidential and
9 may be released on request only to:

10 (1) a court or individual designated by the court;

11 (2) the woman who gave birth to the child who is the
12 subject of the registration;

13 (3) an agency authorized by Federal law, the law of this
14 state other than this part or the law of another state to
15 receive the information;

16 (4) a licensed child-placing agency;

17 (5) a child-support agency;

18 (6) a party or the party's attorney of record in a
19 proceeding under this part or in a proceeding to adopt or
20 terminate parental rights to the child who is the subject of
21 the registration; and

22 (7) a registry of paternity in another state.

23 § 9408. Penalty for releasing information.

24 An individual who intentionally releases information from the
25 registry of paternity established by section 9401 (relating to
26 establishment of registry) to an individual or agency not
27 authorized under section 9407(b) (relating to furnishing
28 information; confidentiality) to receive the information commits
29 a misdemeanor of the third degree.

30 § 9409. Rescission of registration.

1 A man who registers under section 9402(a) (relating to
2 registration for notification) may rescind his registration at
3 any time by filing with the registry of paternity established by
4 section 9401 (relating to establishment of registry) a
5 rescission in a signed record that is attested by a notarial
6 officer or witnessed.

7 § 9410. Untimely registration.

8 If a man registers under section 9402(a) (relating to
9 registration for notification) more than 30 days after the birth
10 of the child, the Department of Health shall notify the man who
11 registers that, based on a review of the registration, the
12 registration was not filed timely.

13 § 9411. Fees for registry.

14 (a) Registration fee prohibited.--The Department of Health
15 may not charge a fee for filing a registration under section
16 9402(a) (relating to registration for notification) or
17 rescission of registration under section 9409 (relating to
18 rescission of registration).

19 (b) Search and certification fees permitted.--Except as
20 otherwise provided in subsection (c), the Department of Health
21 may charge a reasonable fee to search the registry of paternity
22 established by section 9401 (relating to establishment of
23 registry) and for furnishing a certificate of search under
24 section 9414 (relating to certificate of search of registry).

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

27 SUBCHAPTER C

28 SEARCH OF REGISTRY

29 Sec.

30 9412. Child born through assisted reproduction: search of

1 registry inapplicable.

2 9413. Search of appropriate registry.

3 9414. Certificate of search of registry.

4 9415. Admissibility of registered information.

5 § 9412. Child born through assisted reproduction: search of
6 registry inapplicable.

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

9 § 9413. Search of appropriate registry.

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

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

20 (2) if the individual has reason to believe that
21 conception or birth of the child may have occurred in another
22 state, the individual shall obtain a certificate of search
23 from the registry of paternity, if any, in that state.

24 § 9414. Certificate of search of registry.

25 (a) Duty to furnish.--The Department of Health shall furnish
26 a certificate of search of the registry of paternity established
27 by section 9401 (relating to establishment of registry) on
28 request to an individual, court or agency identified in section
29 9407(b) (relating to furnishing information; confidentiality) or
30 an individual required under section 9413(1) (relating to search

1 of appropriate registry) to obtain a certificate.

2 (b) Contents of certificate.--A certificate furnished under
3 subsection (a):

4 (1) must be signed on behalf of the Department of Health
5 and state that:

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

7 (ii) a registration under section 9402(a) (relating
8 to registration for notification) containing the
9 information required to identify the man who registers:

10 (A) has been found; or

11 (B) has not been found; and

12 (2) if paragraph (1)(ii)(A) applies, must have a copy of
13 the registration attached.

14 (c) Individuals required to file certificate.--An individual
15 seeking to adopt or terminate parental rights to a child must
16 file with the court the certificate of search furnished under
17 subsection (a) and section 9413(2) (relating to search of
18 appropriate registry), if applicable, before a proceeding to
19 adopt or terminate parental rights to the child may be
20 concluded.

21 § 9415. Admissibility of registered information.

22 A certificate of search of a registry of paternity in this or
23 another state is admissible in a proceeding for adoption of or
24 termination of parental rights to a child and, if relevant, in
25 other legal proceedings.

26 CHAPTER 95

27 GENETIC TESTING

28 Sec.

29 9501. Definitions.

30 9502. Scope of chapter; limitation on use of genetic testing.

- 1 9503. Authority to order or deny genetic testing.
2 9504. Requirements for genetic testing.
3 9505. Report of genetic testing.
4 9506. Genetic testing results; challenge to results.
5 9507. Cost of genetic testing.
6 9508. Additional genetic testing.
7 9509. Genetic testing when specimen not available.
8 9510. Deceased individual.
9 9511. Identical siblings.
10 9512. Confidentiality of genetic testing.

11 § 9501. Definitions.

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

15 "Combined relationship index." The product of all tested
16 relationship indices.

17 "Ethnic or racial group." For the purpose of genetic
18 testing, a recognized group that an individual identifies as the
19 individual's ancestry or part of the ancestry or that is
20 identified by other information.

21 "Hypothesized genetic relationship." An asserted genetic
22 relationship between an individual and a child.

23 "Probability of parentage." For the ethnic or racial group
24 to which an individual alleged to be a parent belongs, the
25 probability that a hypothesized genetic relationship is
26 supported, compared to the probability that a genetic
27 relationship is supported between the child and a random
28 individual of the ethnic or racial group used in the
29 hypothesized genetic relationship, expressed as a percentage
30 incorporating the combined relationship index and a prior

1 probability.

2 "Relationship index." A likelihood ratio that compares the
3 probability of a genetic marker given a hypothesized genetic
4 relationship and the probability of the genetic marker given a
5 genetic relationship between the child and a random individual
6 of the ethnic or racial group used in the hypothesized genetic
7 relationship.

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

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

12 (1) voluntarily submits to testing; or

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

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

16 (1) to challenge the parentage of an individual who is a
17 parent under Chapter 97 (relating to assisted reproduction)
18 or 98 (relating to surrogacy agreement); or

19 (2) to establish the parentage of an individual who is a
20 donor.

21 § 9503. Authority to order or deny genetic testing.

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

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

30 (2) denying genetic parentage of the child and stating

1 facts establishing a reasonable possibility that the
2 individual is not a genetic parent.

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

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

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

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

19 (f) Discretion to deny motion.--In a proceeding to
20 adjudicate the parentage of a child having a presumed parent or
21 an individual who claims to be a parent under section 9609
22 (relating to adjudicating claim of de facto parentage of child),
23 or to challenge an acknowledgment of parentage, the court may
24 deny a motion for genetic testing of the child and any other
25 individual after considering the factors in section 9613(a) and
26 (b) (relating to adjudicating competing claims of parentage).

27 (g) Conditions requiring denial of motion.--If an individual
28 requesting genetic testing is barred under Chapter 96 from
29 establishing the individual's parentage, the court shall deny
30 the request for genetic testing.

1 (h) Enforcement.--An order under this section for genetic
2 testing is enforceable by contempt.

3 § 9504. Requirements for genetic testing.

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

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

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

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

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

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

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

29 (i) if the requested frequencies are not available
30 to the laboratory for the ethnic or racial group

1 requested, provide the requested frequencies compiled in
2 a manner recognized by accrediting bodies; or

3 (ii) engage another laboratory to perform the
4 calculations.

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

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

18 § 9505. Report of genetic testing.

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

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

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

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

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

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

4 (5) the date each specimen was received.

5 § 9506. Genetic testing results; challenge to results.

6 (a) General rule.--Subject to a challenge under subsection

7 (b), an individual is identified under this part as a genetic
8 parent of a child if genetic testing complies with this chapter
9 and the results of the testing disclose:

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

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

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

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

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

23 (i) the woman who gave birth to the child; or

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

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

1 genetic parent.

2 § 9507. Cost of genetic testing.

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

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

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

11 (3) as agreed by the parties; or

12 (4) as ordered by the court.

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

17 § 9508. Additional genetic testing.

18 The court or domestic relations section of a court shall
19 order additional genetic testing on request of an individual who
20 contests the result of the initial testing under section 9506
21 (relating to genetic testing results; challenge to results). If
22 initial genetic testing under section 9506 identifies an
23 individual as a genetic parent of the child, the court or agency
24 may not order additional testing unless the contesting
25 individual pays for the testing in advance.

26 § 9509. Genetic testing when specimen not available.

27 (a) Individuals subject to.--Subject to subsection (b), if a
28 genetic testing specimen is not available from an alleged
29 genetic parent of a child, an individual seeking genetic testing
30 demonstrates good cause and the court finds that the

1 circumstances are just, the court may order any of the following
2 individuals to submit specimens for genetic testing:

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

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

5 (3) another child of the alleged genetic parent and the
6 woman who gave birth to the other child; and

7 (4) another relative of the alleged genetic parent
8 necessary to complete genetic testing.

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

12 § 9510. Deceased individual.

13 If an individual seeking genetic testing demonstrates good
14 cause, the court may order genetic testing of a deceased
15 individual.

16 § 9511. Identical siblings.

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

21 (b) Nongenetic evidence.--If more than one sibling is
22 identified under section 9506 (relating to genetic testing
23 results; challenge to results) as a genetic parent of the child,
24 the court may rely on nongenetic evidence to adjudicate which
25 sibling is a genetic parent of the child.

26 § 9512. Confidentiality of genetic testing.

27 (a) General rule.--Release of a report of genetic testing
28 for parentage is controlled by the law of this state other than
29 this part.

30 (b) Penalty.--An individual who intentionally releases an

1 identifiable specimen of another individual collected for
2 genetic testing under this chapter for a purpose not relevant to
3 a proceeding regarding parentage, without a court order or
4 written permission of the individual who furnished the specimen,
5 commits a misdemeanor of the third degree.

6 CHAPTER 96

7 PROCEEDING TO ADJUDICATE PARENTAGE

8 Subchapter

9 A. Nature of Proceeding

10 B. Special Rules for Proceeding to Adjudicate Parentage

11 C. Hearing and Adjudication

12 SUBCHAPTER A

13 NATURE OF PROCEEDING

14 Sec.

15 9601. Proceeding authorized.

16 9602. Standing to maintain proceeding.

17 9603. Notice of proceeding.

18 9604. Personal jurisdiction.

19 9605. Venue.

20 § 9601. Proceeding authorized.

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

25 (b) Exception.--A proceeding to adjudicate the parentage of
26 a child born under a surrogacy agreement is governed by Chapter
27 98 (relating to surrogacy agreement).

28 § 9602. Standing to maintain proceeding.

29 Except as otherwise provided in Chapter 93 (relating to
30 voluntary acknowledgment of parentage) and sections 9608

1 (relating to adjudicating parentage of child with presumed
2 parent), 9609 (relating to adjudicating claim of de facto
3 parentage of child), 9610 (relating to adjudicating parentage of
4 child with acknowledged parent) and 9611 (relating to
5 adjudicating parentage of child with adjudicated parent), a
6 proceeding to adjudicate parentage may be maintained by:

7 (1) the child;

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

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

11 (4) an individual whose parentage of the child is to be
12 adjudicated;

13 (5) the domestic relations section of a court;

14 (6) an adoption agency authorized by the law of this
15 state other than this part or licensed child-placement
16 agency; or

17 (7) a representative authorized by the law the of this
18 state other than this part to act for an individual who
19 otherwise would be entitled to maintain a proceeding but is
20 deceased, incapacitated or a minor.

21 § 9603. Notice of proceeding.

22 (a) Individuals entitled to notice.--The petitioner shall
23 give notice of a proceeding to adjudicate parentage to the
24 following individuals:

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

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

29 (3) a presumed, acknowledged or adjudicated parent of
30 the child; and

1 (4) an individual whose parentage of the child will be
2 adjudicated.

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

5 (c) Effect of lack of notice.--Lack of notice required by
6 subsection (a) does not render a judgment void. Lack of notice
7 does not preclude an individual entitled to notice under
8 subsection (a) from bringing a proceeding under section 9611(b)
9 (relating to adjudicating parentage of child with adjudicated
10 parent).

11 § 9604. Personal jurisdiction.

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

15 (b) Nonresidents, guardians and conservators.--A court of
16 this state with jurisdiction to adjudicate parentage may
17 exercise personal jurisdiction over a nonresident individual, or
18 the guardian or conservator of the individual, if the conditions
19 prescribed in section 7201 (relating to bases for jurisdiction
20 over nonresident) are satisfied.

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

24 § 9605. Venue.

25 Venue for a proceeding to adjudicate parentage is in the
26 county of this state in which:

27 (1) the child resides or is located;

28 (2) if the child does not reside in this state, the
29 respondent resides or is located; or

30 (3) a proceeding has been commenced for administration

1 of the estate of an individual who is or may be a parent
2 under this part.

3 SUBCHAPTER B

4 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

5 Sec.

6 9606. Admissibility of results of genetic testing.

7 9607. Adjudicating parentage of child with alleged genetic
8 parent.

9 9608. Adjudicating parentage of child with presumed parent.

10 9609. Adjudicating claim of de facto parentage of child.

11 9610. Adjudicating parentage of child with acknowledged parent.

12 9611. Adjudicating parentage of child with adjudicated parent.

13 9612. Adjudicating parentage of child of assisted reproduction.

14 9613. Adjudicating competing claims of parentage.

15 9614. Precluding establishment of parentage by perpetrator of
16 sexual assault.

17 § 9606. Admissibility of results of genetic testing.

18 (a) General rule.--Except as otherwise provided in section
19 9502(b) (relating to scope of chapter; limitation on use of
20 genetic testing), the court shall admit a report of genetic
21 testing ordered by the court under section 9503 (relating to
22 authority to order or deny genetic testing) as evidence of the
23 truth of the facts asserted in the report.

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

28 (c) Expert testimony.--A party that objects to the results
29 of genetic testing may call a genetic testing expert to testify
30 in person or by another method approved by the court. Unless the

1 court orders otherwise, the party offering the testimony bears
2 the expense for the expert testifying.

3 (d) Factors not affecting admissibility.--Admissibility of a
4 report of genetic testing is not affected by whether the testing
5 was performed:

6 (1) voluntarily or under an order of the court or the
7 domestic relations section of a court; or

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

9 § 9607. Adjudicating parentage of child with alleged genetic
10 parent.

11 (a) General rule.--A proceeding to determine whether an
12 alleged genetic parent who is not a presumed parent is a parent
13 of a child may be 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) Woman who gave birth with sole claim.--Except as
18 otherwise provided in section 9614 (relating to precluding
19 establishment of parentage by perpetrator of sexual assault),
20 this subsection applies in a proceeding described in subsection

21 (a) if the woman who gave birth to the child is the only other
22 individual with a claim to parentage of the child. The court
23 shall adjudicate an alleged genetic parent to be a parent of the
24 child if the alleged genetic parent:

25 (1) is identified under section 9506 (relating to
26 genetic testing results; challenge to results) as a genetic
27 parent of the child and the identification is not
28 successfully challenged under section 9506;

29 (2) admits parentage in a pleading, when making an
30 appearance or during a hearing, the court accepts the

1 admission, and the court determines the alleged genetic
2 parent to be a parent of the child;

3 (3) declines to submit to genetic testing ordered by the
4 court or a child-support agency, in which case the court may
5 adjudicate the alleged genetic parent to be a parent of the
6 child even if the alleged genetic parent denies a genetic
7 relationship with the child;

8 (4) is in default after service of process and the court
9 determines the alleged genetic parent to be a parent of the
10 child; or

11 (5) is neither identified nor excluded as a genetic
12 parent by genetic testing and, based on other evidence, the
13 court determines the alleged genetic parent to be a parent of
14 the child.

15 (c) Multiple individuals with claims.--Except as otherwise
16 provided in section 9614 and subject to other limitations in
17 this chapter, if in a proceeding involving an alleged genetic
18 parent at least one other individual in addition to the woman
19 who gave birth to the child has a claim to parentage of the
20 child, the court shall adjudicate parentage under section 9613
21 (relating to adjudicating competing claims of parentage).

22 § 9608. Adjudicating parentage of child with presumed parent.

23 (a) Time period for commencing.--A proceeding to determine
24 whether a presumed parent is a parent of a child may be
25 commenced:

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

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

29 (b) Effect of presumption of parentage.--A presumption of
30 parentage under section 9204 (relating to presumption of

1 parentage) cannot be overcome after the child attains two years
2 of age unless the court determines:

3 (1) the presumed parent is not a genetic parent, never
4 resided with the child and never held out the child as the
5 presumed parent's child; or

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

7 (c) Woman who gave birth with sole claim.--Except as
8 otherwise provided in section 9614 (relating to precluding
9 establishment of parentage by perpetrator of sexual assault),
10 the following rules apply in a proceeding to adjudicate a
11 presumed parent's parentage of a child if the woman who gave
12 birth to the child is the only other individual with a claim to
13 parentage of the child:

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

17 (2) If the presumed parent is identified under section
18 9506 (relating to genetic testing results; challenge to
19 results) as a genetic parent of the child and that
20 identification is not successfully challenged under section
21 9506, the court shall adjudicate the presumed parent to be a
22 parent of the child.

23 (3) If the presumed parent is not identified under
24 section 9506 as a genetic parent of the child and the
25 presumed parent or the woman who gave birth to the child
26 challenges the presumed parent's parentage of the child, the
27 court shall adjudicate the parentage of the child in the best
28 interest of the child based on the factors under section
29 9613(a) and (b) (relating to adjudicating competing claims of
30 parentage).

1 (d) Multiple individuals with claims.--Except as otherwise
2 provided in section 9614 and subject to other limitations in
3 this chapter, if in a proceeding to adjudicate a presumed
4 parent's parentage of a child another individual in addition to
5 the woman who gave birth to the child asserts a claim to
6 parentage of the child, the court shall adjudicate parentage
7 under section 9613.

8 § 9609. Adjudicating claim of de facto parentage of child.

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

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

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

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

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

18 (2) while the child is alive.

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

22 (1) The individual must file an initial verified
23 pleading alleging specific facts that support the claim to
24 parentage of the child asserted under this section. The
25 verified pleading must be served on all parents and legal
26 guardians of the child and any other party to the proceeding.

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

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

9 (d) Individual with sole claim.--In a proceeding to
10 adjudicate parentage of an individual who claims to be a de
11 facto parent of the child, if there is only one other individual
12 who is a parent or has a claim to parentage of the child, the
13 court shall adjudicate the individual who claims to be a de
14 facto parent to be a parent of the child if the individual
15 demonstrates by clear and convincing evidence that:

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

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

20 (3) the individual undertook full and permanent
21 responsibilities of a parent of the child without expectation
22 of financial compensation;

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

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

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

30 (7) continuing the relationship between the individual

1 and the child is in the best interest of the child.

2 (e) Multiple individuals with claims.--Subject to other
3 limitations in this chapter, if in a proceeding to adjudicate
4 parentage of an individual who claims to be a de facto parent of
5 the child there is more than one other individual who is a
6 parent or has a claim to parentage of the child and the court
7 determines that the requirements of subsection (d) are
8 satisfied, the court shall adjudicate parentage under section
9 9613 (relating to adjudicating competing claims of parentage).
10 § 9610. Adjudicating parentage of child with acknowledged
11 parent.

12 (a) General rule.--If a child has an acknowledged parent, a
13 proceeding to challenge the acknowledgment of parentage or a
14 denial of parentage brought by a signatory to the acknowledgment
15 or denial is governed by sections 9309 (relating to challenge
16 after expiration of period for rescission) and 9310 (relating to
17 procedure for challenge by signatory).

18 (b) Procedure.--If a child has an acknowledged parent, the
19 following rules apply in a proceeding to challenge the
20 acknowledgment of parentage or a denial of parentage brought by
21 an individual, other than the child, who has standing under
22 section 9602 (relating to standing to maintain proceeding) and
23 was not a signatory to the acknowledgment or denial:

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

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

30 (3) If the court permits the proceeding, the court shall

1 adjudicate parentage under section 9613 (relating to
2 adjudicating competing claims of parentage).
3 § 9611. Adjudicating parentage of child with adjudicated
4 parent.

5 (a) General rule.--If a child has an adjudicated parent, a
6 proceeding to challenge the adjudication, brought by an
7 individual who was a party to the adjudication or received
8 notice under section 9603 (relating to notice of proceeding), is
9 governed by the rules governing a collateral attack on a
10 judgment.

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

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

20 (2) The court may permit the proceeding only if the
21 court finds permitting the proceeding is in the best interest
22 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 § 9612. Adjudicating parentage of child of assisted
27 reproduction.

28 (a) General rule.--An individual who is a parent under
29 Chapter 97 (relating to assisted reproduction) or the woman who
30 gave birth to the child may bring a proceeding to adjudicate

1 parentage. If the court determines that the individual is a
2 parent under Chapter 97, the court shall adjudicate the
3 individual to be a parent of the child.

4 (b) Multiple individuals with claims.--In a proceeding to
5 adjudicate an individual's parentage of a child, if another
6 individual other than the woman who gave birth to the child is a
7 parent under Chapter 97, the court shall adjudicate the
8 individual's parentage of the child under section 9613 (relating
9 to adjudicating competing claims of parentage).

10 § 9613. Adjudicating competing claims of parentage.

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

21 (1) the age of the child;

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

24 (3) the nature of the relationship between the child and
25 each individual;

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

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

30 (6) other equitable factors arising from the disruption

1 of the relationship between the child and each individual or
2 the likelihood of other harm to the child.

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

7 (1) the facts surrounding the discovery that the
8 individual might not be a genetic parent of the child; and

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

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

24 § 9614. Precluding establishment of parentage by perpetrator of
25 sexual assault.

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

28 (b) General rule.--In a proceeding in which a woman alleges
29 that a man committed a sexual assault that resulted in the woman
30 giving birth to a child, the woman may seek to preclude the man

1 from establishing that he is a parent of the child.

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

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

5 (2) after the birth of the child, the man established a
6 bonded and dependent relationship with the child which is
7 parental in nature.

8 (d) Limitation.--Unless section 9309 (relating to challenge
9 after expiration of period for rescission) or 9607 (relating to
10 adjudicating parentage of child with alleged genetic parent)
11 applies, a woman must file a pleading making an allegation under
12 subsection (b) not later than two years after the birth of the
13 child. The woman may file the pleading only in a proceeding to
14 establish parentage under this part.

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

17 (1) evidence that the man was convicted of a sexual
18 assault, or a comparable crime in another jurisdiction,
19 against the woman and the child was born not later than 300
20 days after the sexual assault; or

21 (2) clear and convincing evidence that the man committed
22 sexual assault against the woman, and the child was born not
23 later than 300 days after the sexual assault.

24 (f) Duty of court.--Subject to subsections (a), (b), (c) and
25 (d), if the court determines that an allegation has been proven
26 under subsection (e), the court shall:

27 (1) adjudicate that the man described in subsection (b)
28 is not a parent of the child;

29 (2) require the Bureau of Vital Statistics to amend the
30 birth certificate if requested by the woman and the court

1 determines that the amendment is in the best interest of the
2 child; and

3 (3) require the man pay to child support, birth-related
4 costs or both, unless the woman requests otherwise and the
5 court determines that granting the request is in the best
6 interest of the child.

7 SUBCHAPTER C

8 HEARING AND ADJUDICATION

9 Sec.

10 9615. Temporary order.

11 9616. Combining proceedings.

12 9617. Proceeding before birth.

13 9618. Child as party; representation.

14 9619. Court to adjudicate parentage.

15 9620. Hearing; inspection of records.

16 9621. Dismissal for want of prosecution.

17 9622. Order adjudicating parentage.

18 9623. Binding effect of determination of parentage.

19 § 9615. Temporary order.

20 (a) General rule.--In a proceeding under this chapter, the
21 court may issue a temporary order for child support if the order
22 is consistent with the law of this state other than this part
23 and the individual ordered to pay support is:

24 (1) a presumed parent of the child;

25 (2) petitioning to be adjudicated a parent;

26 (3) identified as a genetic parent through genetic
27 testing under section 9506 (relating to genetic testing
28 results; challenge to results);

29 (4) an alleged genetic parent who has declined to submit
30 to genetic testing;

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

3 (6) a parent under this part.

4 (b) Custody and visitation provisions.--A temporary order
5 may include a provision for custody and visitation under the law
6 of this state other than this part.

7 § 9616. Combining proceedings.

8 (a) General rule.--Except as otherwise provided in
9 subsection (b), the court may combine a proceeding to adjudicate
10 parentage under this part with a proceeding for adoption,
11 termination of parental rights, child custody or visitation,
12 child support, divorce, dissolution or annulment administration
13 of an estate or another appropriate proceeding.

14 (b) Prohibition.--A respondent may not combine a proceeding
15 described in subsection (a) with a proceeding to adjudicate
16 parentage brought under Part VIII (relating to uniform
17 interstate family support).

18 § 9617. Proceeding before birth.

19 Except as otherwise provided in Chapter 98 (relating to
20 surrogacy agreement), a proceeding to adjudicate parentage may
21 be commenced before the birth of the child and an order or
22 judgment may be entered before birth, but enforcement of the
23 order or judgment must be stayed until the birth of the child.

24 § 9618. Child as party; representation.

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

27 (b) Representation of child.--The court shall appoint an
28 attorney, guardian ad litem or similar person to represent a
29 child in a proceeding under this chapter if the court finds that
30 the interests of the child are not adequately represented.

1 § 9619. Court to adjudicate parentage.

2 The court shall adjudicate parentage of a child without a
3 jury.

4 § 9620. Hearing; inspection of records.

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

8 (b) Final order and other documents.--A final order in a
9 proceeding under this chapter is available for public
10 inspection. Other papers and records are available for public
11 inspection only with the consent of the parties or by court
12 order.

13 § 9621. Dismissal for want of prosecution.

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

18 § 9622. Order adjudicating parentage.

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

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

29 (c) Domestic relations sections.--The court may not assess
30 fees, costs or expenses in a proceeding under this chapter

1 against the domestic relations section of a court of this state
2 or another state, except as provided by the law of this state
3 other than this part.

4 (d) Admissibility of genetic testing and health care
5 bills.--In a proceeding under this chapter, a copy of a bill for
6 genetic testing or prenatal or postnatal health care for the
7 woman who gave birth to the child and the child provided to the
8 adverse party not later than 10 days before a hearing is
9 admissible to establish:

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

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

12 (e) Child name changes.--On request of a party and for good
13 cause, the court in a proceeding under this chapter may order
14 the name of the child changed. If the court order changing the
15 name varies from the name on the birth certificate of the child,
16 the court shall order the Bureau of Vital Statistics to issue an
17 amended birth certificate.

18 § 9623. Binding effect of determination of parentage.

19 (a) General rule.--Except as otherwise provided in
20 subsection (b):

21 (1) a signatory to an acknowledgment of parentage or
22 denial of parentage is bound by the acknowledgment and denial
23 as provided in Chapter 93 (relating to voluntary
24 acknowledgment of parentage); and

25 (2) a party to an adjudication of parentage by a court
26 acting under circumstances that satisfy the jurisdiction
27 requirements of section 7201 (relating to bases for
28 jurisdiction over nonresident) and any individual who
29 received notice of the proceeding are bound by the
30 adjudication.

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

3 (1) the determination was based on an unrescinded
4 acknowledgment of parentage and the acknowledgment is
5 consistent with the results of genetic testing;

6 (2) the determination was based on a finding consistent
7 with the results of genetic testing and the consistency is
8 declared in the determination or otherwise shown;

9 (3) the determination of parentage was made under
10 Chapters 97 (relating to assisted reproduction) or 98
11 (relating to surrogacy agreement); or

12 (4) the child was a party or was represented by an
13 attorney, guardian ad litem or similar person in the
14 proceeding.

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

20 (1) expressly identifies the child as a "child of the
21 marriage" or "issue of the marriage" or includes similar
22 words indicating that both spouses are parents of the child;
23 or

24 (2) provides for support of the child by a spouse unless
25 that spouse's parentage is disclaimed specifically in the
26 order.

27 (d) Defense available to nonparties.--Except as otherwise
28 provided in subsection (b) or section 9611 (relating to
29 adjudicating parentage of child with adjudicated parent), a
30 determination of parentage may be asserted as a defense in a

1 subsequent proceeding seeking to adjudicate parentage of an
2 individual who was not a party to the earlier proceeding.

3 (e) Challenges to adjudication by parties.--A party to an
4 adjudication of parentage may challenge the adjudication only
5 under the law of this state other than this part relating to
6 appeal, vacation of judgment or other judicial review.

7 CHAPTER 97

8 ASSISTED REPRODUCTION

9 Sec.

10 9701. Scope of chapter.

11 9702. Parental status of donor.

12 9703. Parentage of child of assisted reproduction.

13 9704. Consent to assisted reproduction.

14 9705. Limitation on spouse's dispute of parentage.

15 9706. Effect of certain legal proceedings regarding marriage.

16 9707. Withdrawal of consent.

17 9708. Parental status of deceased individual.

18 § 9701. Scope of chapter.

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

22 § 9702. Parental status of donor.

23 A donor is not a parent of a child conceived by assisted
24 reproduction.

25 § 9703. Parentage of child of assisted reproduction.

26 An individual who consents under section 9704 (relating to
27 consent to assisted reproduction) to assisted reproduction by a
28 woman with the intent to be a parent of a child conceived by the
29 assisted reproduction is a parent of the child.

30 § 9704. Consent to assisted reproduction.

1 (a) Record required.--Except as otherwise provided in
2 subsection (b), the consent described in section 9703 (relating
3 to parentage of child or assisted reproduction) must be in a
4 record signed by a woman giving birth to a child conceived by
5 assisted reproduction and an individual who intends to be a
6 parent of the child.

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

10 (1) the woman or the individual proves by clear and
11 convincing evidence the existence of an express agreement
12 entered into before conception that the individual and the
13 woman intended they both would be parents of the child; or

14 (2) the woman and the individual for the first two years
15 of the child's life, including any period of temporary
16 absence, resided together in the same household with the
17 child and both openly held out the child as the individual's
18 child, unless the individual dies or becomes incapacitated
19 before the child attains two years of age or the child dies
20 before the child attains two years of age, in which case the
21 court may find consent under this subsection to parentage if
22 a party proves by clear and convincing evidence that the
23 woman and the individual intended to reside together in the
24 same household with the child and both intended the
25 individual would openly hold out the child as the
26 individual's child, but the individual was prevented from
27 carrying out that intent by death or incapacity.

28 § 9705. Limitation on spouse's dispute of parentage.

29 (a) General rule.--Except as otherwise provided in
30 subsection (b), an individual who at the time of a child's birth

1 is the spouse of the woman who gave birth to the child by
2 assisted reproduction, may not challenge the individual's
3 parentage of the child unless:

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

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

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

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

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

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

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

25 § 9706. Effect of certain legal proceedings regarding marriage.

26 If a marriage of a woman who gives birth to a child conceived
27 by assisted reproduction is terminated through divorce or
28 dissolution, or annulled before transfer of gametes or embryos
29 to the woman, a former spouse of the woman is not a parent of
30 the child unless the former spouse consented in a record that

1 the former spouse would be a parent of the child if assisted
2 reproduction were to occur after a divorce, dissolution or
3 annulment and the former spouse did not withdraw consent under
4 section 9707 (relating to withdrawal of consent).

5 § 9707. Withdrawal of consent.

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

15 (b) Effect of withdrawal.--An individual who withdraws
16 consent under subsection (a) is not a parent of the child under
17 this chapter.

18 § 9708. Parental status of deceased individual.

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

26 (b) Death before gamete or embryo transfer.--If an
27 individual who consented in a record to assisted reproduction by
28 a woman who agreed to give birth to a child dies before a
29 transfer of gametes or embryos, the deceased individual is a
30 parent of a child conceived by the assisted reproduction only

1 if:

2 (1) either:

3 (i) the individual consented in a record that if
4 assisted reproduction were to occur after the death of
5 the individual, the individual would be a parent of the
6 child; or

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

11 (2) either:

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

14 (ii) the child is born not later than 45 months
15 after the individual's death.

16 CHAPTER 98

17 SURROGACY AGREEMENT

18 Subchapter

19 A. General Requirements

20 B. Special Rules for Gestational Surrogacy Agreement

21 C. Special Rules for Genetic Surrogacy Agreement

22 SUBCHAPTER A

23 GENERAL REQUIREMENTS

24 Sec.

25 9801. Definitions.

26 9802. Eligibility to enter gestational or genetic surrogacy
27 agreement.

28 9803. Requirements of gestational or genetic surrogacy
29 agreement: process.

30 9804. Requirements of gestational or genetic surrogacy

1 agreements: content.

2 9805. Surrogacy agreement: effect of subsequent change of
3 marital status.

4 9806. Inspection of documents.

5 9807. Exclusive, continuing jurisdiction.

6 § 9801. Definitions.

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

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

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

18 "Surrogacy agreement." An agreement between one or more
19 intended parents and a woman who is not an intended parent in
20 which the woman agrees to become pregnant through assisted
21 reproduction and which provides that each intended parent is a
22 parent of a child conceived under the agreement. Unless
23 otherwise specified, the term refers to both a gestational
24 surrogacy agreement and a genetic surrogacy agreement.

25 § 9802. Eligibility to enter gestational or genetic surrogacy
26 agreement.

27 (a) Requirements for surrogates.--To execute an agreement to
28 act as a gestational or genetic surrogate, a woman must:

29 (1) have attained 21 years of age;

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

1 (3) complete a medical evaluation related to the
2 surrogacy arrangement by a licensed medical doctor;

3 (4) complete a mental health consultation by a licensed
4 mental health professional; and

5 (5) have independent legal representation of her choice
6 throughout the surrogacy arrangement regarding the terms of
7 the surrogacy agreement and the potential legal consequences
8 of the agreement.

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

12 (1) have attained 21 years of age;

13 (2) complete a medical evaluation related to the
14 surrogacy arrangement by a licensed medical doctor;

15 (3) complete a mental health consultation by a licensed
16 mental health professional; and

17 (4) have independent legal representation of the
18 intended parent's choice throughout the surrogacy arrangement
19 regarding the terms of the surrogacy agreement and the
20 potential legal consequences of the agreement.

21 § 9803. Requirements of gestational or genetic surrogacy
22 agreement: process.

23 A surrogacy agreement must be executed in compliance with the
24 following rules:

25 (1) At least one party must be a resident of this state
26 or, if no party is a resident of this state, at least one
27 medical evaluation or procedure or mental health consultation
28 under the agreement must occur in this state.

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

1 enter gestational or genetic surrogacy agreement).

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

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

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

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

10 (7) The surrogate and the intended parent or parents
11 must have independent legal representation throughout the
12 surrogacy arrangement regarding the terms of the surrogacy
13 agreement and the potential legal consequences of the
14 agreement, and each counsel must be identified in the
15 surrogacy agreement.

16 (8) The intended parent or parents must pay for
17 independent legal representation for the surrogate.

18 (9) The agreement must be executed before a medical
19 procedure occurs related to the surrogacy agreement, other
20 than the medical evaluation and mental health consultation
21 required by section 9802.

22 § 9804. Requirements of gestational or genetic surrogacy
23 agreements: content.

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

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

28 (2) Except as otherwise provided in sections 9811
29 (relating to gestational surrogacy agreement: order of
30 parentage), 9814 (relating to termination of genetic

1 surrogacy agreement) and 9815 (relating to parentage under
2 validated genetic surrogacy agreement), the surrogate and the
3 surrogate's spouse or former spouse, if any, have no claim to
4 parentage of a child conceived by assisted reproduction under
5 the agreement.

6 (3) The surrogate's spouse, if any, must acknowledge and
7 agree to comply with the obligations imposed on the surrogate
8 by the agreement.

9 (4) Except as otherwise provided in sections 9811, 9814
10 and 9815, the intended parent or, if there are two intended
11 parents, each one jointly and severally, immediately on birth
12 will be the exclusive parent or parents of the child,
13 regardless of number of children born or gender or mental or
14 physical condition of each child.

15 (5) Except as otherwise provided in sections 9811, 9814
16 and 9815, the intended parent or, if there are two intended
17 parents, each parent jointly and severally, immediately on
18 birth will assume responsibility for the financial support of
19 the child, regardless of number of children born or gender or
20 mental or physical condition of each child.

21 (6) The agreement must include information disclosing
22 how each intended parent will cover the surrogacy-related
23 expenses of the surrogate and the medical expenses of the
24 child. If health care coverage is used to cover the medical
25 expenses, the disclosure must include a summary of the health
26 care policy provisions related to coverage for surrogate
27 pregnancy, including any possible liability of the surrogate,
28 third-party liability liens, other insurance coverage and any
29 notice requirement that could affect coverage or liability of
30 the surrogate. Unless the agreement expressly provides

1 otherwise, the review and disclosure do not constitute legal
2 advice. If the extent of coverage is uncertain, a statement
3 of that fact is sufficient to comply with this paragraph.

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

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

11 (b) Additional provisions.--A surrogacy agreement may
12 provide for:

13 (1) payment of consideration and reasonable expenses;
14 and

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

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

20 § 9805. Surrogacy agreement: effect of subsequent change of
21 marital status.

22 (a) Surrogates.--Unless a surrogacy agreement expressly
23 provides otherwise:

24 (1) the marriage of a surrogate after the agreement is
25 signed by all parties does not affect the validity of the
26 agreement, her spouse's consent to the agreement is not
27 required and her spouse is not a presumed parent of a child
28 conceived by assisted reproduction under the agreement; and

29 (2) the divorce, dissolution or annulment of the
30 surrogate after the agreement is signed by all parties does

1 not affect the validity of the agreement.

2 (b) Intended parents.--Unless a surrogacy agreement
3 expressly provides otherwise:

4 (1) the marriage of an intended parent after the
5 agreement is signed by all parties does not affect the
6 validity of a surrogacy agreement, the consent of the spouse
7 of the intended parent is not required and the spouse of the
8 intended parent is not, based on the agreement, a parent of a
9 child conceived by assisted reproduction under the agreement;
10 and

11 (2) the divorce, dissolution or annulment of an intended
12 parent after the agreement is signed by all parties does not
13 affect the validity of the agreement, and, except as
14 otherwise provided in section 9814 (relating to termination
15 of genetic surrogacy agreement), the intended parents are the
16 parents of the child.

17 § 9806. Inspection of documents.

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

29 § 9807. Exclusive, continuing jurisdiction.

30 During the period after the execution of a surrogacy

1 agreement until 90 days after the birth of a child conceived by
2 assisted reproduction under the agreement, a court of this state
3 conducting a proceeding under this part has exclusive,
4 continuing jurisdiction over all matters arising out of the
5 agreement. This section does not give the court jurisdiction
6 over a child custody proceeding or child support proceeding if
7 jurisdiction is not otherwise authorized by the law of this
8 state other than this part.

9 SUBCHAPTER B

10 SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT

11 Sec.

12 9808. Termination of gestational surrogacy agreement.

13 9809. Parentage under gestational surrogacy agreement.

14 9810. Gestational surrogacy agreement: parentage of deceased
15 intended parent.

16 9811. Gestational surrogacy agreement: order of parentage.

17 9812. Effect of gestational surrogacy agreement.

18 § 9808. Termination of gestational surrogacy agreement.

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

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

1 termination.

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

8 § 9809. Parentage under gestational surrogacy agreement.

9 (a) Intended parents.--Except as otherwise provided in
10 subsection (c) or section 9810(b) (relating to gestational
11 surrogacy agreement: parentage of deceased intended parent) or
12 9812 (relating to effect of gestational surrogacy agreement), on
13 the birth of a child conceived by assisted reproduction under a
14 gestational surrogacy agreement, each intended parent is, by
15 operation of law, a parent of the child.

16 (b) Surrogates.--Except as otherwise provided in subsection
17 (c) or section 9812, neither a gestational surrogate nor the
18 surrogate's spouse or former spouse, if any, is a parent of the
19 child.

20 (c) When genetic testing required.--If a child is alleged to
21 be a genetic child of the woman who agreed to be a gestational
22 surrogate, the court shall order genetic testing of the child.
23 If the child is a genetic child of the woman who agreed to be a
24 gestational surrogate, parentage must be determined based on
25 Chapters 91 (relating to general provisions), 92 (relating to
26 parent-child relationship), 93 (relating to voluntary
27 acknowledgment of parentage), 94 (relating to registry of
28 paternity), 95 (relating to genetic testing) and 96 (relating to
29 proceeding to adjudicate parentage).

30 (d) Clinical and laboratory errors.--Except as otherwise

1 provided in subsection (c) or section 9810(b) or 9812, if, due
2 to a clinical or laboratory error, a child conceived by assisted
3 reproduction under a gestational surrogacy agreement is not
4 genetically related to an intended parent or a donor who donated
5 to the intended parent or parents, each intended parent, and not
6 the gestational surrogate and the surrogate's spouse or former
7 spouse, if any, is a parent of the child, subject to any other
8 claim of parentage.

9 § 9810. Gestational surrogacy agreement: parentage of deceased
10 intended parent.

11 (a) Death after gamete or embryo transfer.--Section 9809
12 (relating to parentage under gestational surrogacy agreement)
13 applies to an intended parent even if the intended parent died
14 during the period between the transfer of a gamete or embryo and
15 the birth of the child.

16 (b) Death before gamete or embryo transfer.--Except as
17 otherwise provided in section 9812 (relating to effect of
18 gestational surrogacy agreement), an intended parent is not a
19 parent of a child conceived by assisted reproduction under a
20 gestational surrogacy agreement if the intended parent dies
21 before the transfer of a gamete or embryo unless:

- 22 (1) the agreement provides otherwise; and
23 (2) the transfer of a gamete or embryo occurs not later
24 than 36 months after the death of the intended parent or
25 birth of the child occurs not later than 45 months after the
26 death of the intended parent.

27 § 9811. Gestational surrogacy agreement: order of parentage.

28 (a) Permissible relief.--Except as otherwise provided in
29 sections 9809(c) (relating to parentage under gestational
30 surrogacy agreement) or 9812 (relating to effect of gestational

1 surrogacy agreement), before, on or after the birth of a child
2 conceived by assisted reproduction under a gestational surrogacy
3 agreement, a party to the agreement may commence a proceeding in
4 court for an order or judgment:

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

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

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

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

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

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

24 (b) Order of judgment before birth.--The court may issue an
25 order or judgment under subsection (a) before the birth of the
26 child. The court shall stay enforcement of the order or judgment
27 until the birth of the child.

28 (c) State not necessary party.--Neither this state nor the
29 Bureau of Vital Statistics is a necessary party to a proceeding
30 under subsection (a).

1 § 9812. Effect of gestational surrogacy agreement.

2 (a) General rule.--A gestational surrogacy agreement that
3 complies with sections 9802 (relating to eligibility to enter
4 gestational or genetic surrogacy agreement), 9803 (relating to
5 requirements of gestational or genetic surrogacy agreement:
6 process) and 9804 (relating to requirements of gestational or
7 genetic surrogacy agreement: content) is enforceable.

8 (b) Noncomplying gestational surrogacy agreements.--If a
9 child was conceived by assisted reproduction under a gestational
10 surrogacy agreement that does not comply with sections 9802,
11 9803 and 9804, the court shall determine the rights and duties
12 of the parties to the agreement consistent with the intent of
13 the parties at the time of execution of the agreement. Each
14 party to the agreement and any individual who at the time of the
15 execution of the agreement was a spouse of a party to the
16 agreement has standing to maintain a proceeding to adjudicate an
17 issue related to the enforcement of the agreement.

18 (c) Remedies for breach.--Except as expressly provided in a
19 gestational surrogacy agreement or subsection (d) or (e), if the
20 agreement is breached by the gestational surrogate or one or
21 more intended parents, the nonbreaching party is entitled to the
22 remedies available at law or in equity.

23 (d) When specific performance prohibited.--Specific
24 performance is not a remedy available for breach by a
25 gestational surrogate of a provision in the agreement that the
26 gestational surrogate be impregnated, terminate or not terminate
27 a pregnancy or submit to medical procedures.

28 (e) When specific performance permitted.--Except as
29 otherwise provided in subsection (d), if an intended parent is
30 determined to be a parent of the child, specific performance is

1 a remedy available for:

2 (1) breach of the agreement by a gestational surrogate
3 which prevents the intended parent from exercising
4 immediately on birth of the child the full rights of
5 parentage; or

6 (2) breach by the intended parent which prevents the
7 intended parent's acceptance, immediately on birth of the
8 child conceived by assisted reproduction under the agreement,
9 of the duties of parentage.

10 SUBCHAPTER C

11 SPECIAL RULES FOR GENETIC SURROGACY AGREEMENT

12 Sec.

13 9813. Requirements to validate genetic surrogacy agreement.

14 9814. Termination of genetic surrogacy agreement.

15 9815. Parentage under validated genetic surrogacy agreement.

16 9816. Effect of nonvalidated genetic surrogacy agreement.

17 9817. Genetic surrogacy agreement: parentage of deceased
18 intended parent.

19 9818. Breach of genetic surrogacy agreement.

20 § 9813. Requirements to validate genetic surrogacy agreement.

21 (a) Prior court approval.--Except as otherwise provided in
22 section 9816 (relating to effect of nonvalidated genetic
23 surrogacy agreement), to be enforceable, a genetic surrogacy
24 agreement must be validated by the court. A proceeding to
25 validate the agreement must be commenced before assisted
26 reproduction related to the surrogacy agreement.

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

29 (1) sections 9802 (relating to eligibility to enter
30 gestational or genetic surrogacy agreement), 9803 (relating

1 to requirements of gestational or genetic surrogacy
2 agreement: process) and 9804 (relating to requirements of
3 gestational or genetic surrogacy agreement: content) are
4 satisfied; and

5 (2) all parties entered into the agreement voluntarily
6 and understand its terms.

7 (c) Notice of termination.--An individual who terminates
8 under section 9814 (relating to termination of genetic surrogacy
9 agreement) a genetic surrogacy agreement shall file notice of
10 the termination with the court. On receipt of the notice, the
11 court shall vacate any order issued under subsection (b). An
12 individual who does not notify the court of the termination of
13 the agreement is subject to sanctions.

14 § 9814. Termination of genetic surrogacy agreement.

15 (a) General rule.--A party to a genetic surrogacy agreement
16 may terminate the agreement as follows:

17 (1) An intended parent who is a party to the agreement
18 may terminate the agreement at any time before a gamete or
19 embryo transfer by giving notice of termination in a record
20 to all other parties. If a gamete or embryo transfer does not
21 result in a pregnancy, a party may terminate the agreement at
22 any time before a subsequent gamete or embryo transfer. The
23 notice of termination must be attested by a notarial officer
24 or witnessed.

25 (2) A genetic surrogate who is a party to the agreement
26 may withdraw consent to the agreement any time before 72
27 hours after the birth of a child conceived by assisted
28 reproduction under the agreement. To withdraw consent, the
29 genetic surrogate must execute a notice of termination in a
30 record stating the surrogate's intent to terminate the

1 agreement. The notice of termination must be attested by a
2 notarial officer or witnessed and be delivered to each
3 intended parent at any time before 72 hours after the birth
4 of the child.

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

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

19 § 9815. Parentage under validated genetic surrogacy agreement.

20 (a) Intended parents.--Unless a genetic surrogate exercises
21 the right under section 9814 (relating to termination of genetic
22 surrogacy agreement) to terminate a genetic surrogacy agreement,
23 each intended parent is a parent of a child conceived by
24 assisted reproduction under an agreement validated under section
25 9813 (relating to requirements to validate genetic surrogacy
26 agreement).

27 (b) Court order.--Unless a genetic surrogate exercises the
28 right under section 9814 to terminate the genetic surrogacy
29 agreement, on proof of a court order issued under section 9813
30 validating the agreement, the court shall make an order:

1 (1) declaring that each intended parent is a parent of a
2 child conceived by assisted reproduction under the agreement
3 and ordering that parental rights and duties vest exclusively
4 in each intended parent;

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

8 (3) designating the contents of the birth certificate in
9 accordance with the law of this state other than this part
10 and directing the Bureau of Vital Statistics to designate
11 each intended parent as a parent of the child;

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

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

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

20 (c) Termination.--If a genetic surrogate terminates under
21 section 9814(a)(2) a genetic surrogacy agreement, parentage of
22 the child conceived by assisted reproduction under the agreement
23 must be determined under Chapters 91 (relating to general
24 provisions), 92 (relating to parent-child relationship), 93
25 (relating to voluntary acknowledgment of parentage), 94
26 (relating to registry of paternity), 95 (relating to genetic
27 testing) and 96 (relating to proceeding to adjudicate
28 parentage).

29 (d) When genetic testing required.--If a child born to a
30 genetic surrogate is alleged not to have been conceived by

1 assisted reproduction, the court shall order genetic testing to
2 determine the genetic parentage of the child. If the child was
3 not conceived by assisted reproduction, parentage must be
4 determined under Chapters 91, 92, 93, 94, 95 and 96. Unless the
5 genetic surrogacy agreement provides otherwise, if the child was
6 not conceived by assisted reproduction, the surrogate is not
7 entitled to any nonexpense-related compensation paid for serving
8 as a surrogate.

9 (e) Court order of intended parent.--Unless a genetic
10 surrogate exercises the right under section 9814 (relating to
11 termination of genetic surrogacy agreement) to terminate the
12 genetic surrogacy agreement, if an intended parent fails to file
13 notice required under section 9814(a), the genetic surrogate or
14 the Department of Health may file with the court, not later than
15 60 days after the birth of a child conceived by assisted
16 reproduction under the agreement, notice that the child has been
17 born to the genetic surrogate. Unless the genetic surrogate has
18 properly exercised the right under section 9814 to withdraw
19 consent to the agreement, on proof of a court order issued under
20 section 9813 (relating to requirements to validate genetic
21 surrogacy agreement) validating the agreement, the court shall
22 order that each intended parent is a parent of the child.

23 § 9816. Effect of nonvalidated genetic surrogacy agreement.

24 (a) Enforceable.--A genetic surrogacy agreement, whether or
25 not in a record, that is not validated under section 9813
26 (relating to requirements to validate genetic surrogacy
27 agreement) is enforceable only to the extent provided in this
28 section and section 9818 (relating to breach of genetic
29 surrogacy agreement).

30 (b) Court validation with agreement of parties.--If all

1 parties agree, a court may validate a genetic surrogacy
2 agreement after assisted reproduction has occurred but before
3 the birth of a child conceived by assisted reproduction under
4 the agreement.

5 (c) Timely withdrawal of consent.--If a child conceived by
6 assisted reproduction under a genetic surrogacy agreement that
7 is not validated under section 9813 is born and the genetic
8 surrogate, consistent with section 9814(a)(2) (relating to
9 termination of genetic surrogacy agreement), withdraws her
10 consent to the agreement before 72 hours after the birth of the
11 child, the court shall adjudicate the parentage of the child
12 under Chapters 91 (relating to general provisions), 92 (relating
13 to parent-child relationship), 93 (relating to voluntary
14 acknowledgment of parentage), 94 (relating to registry of
15 paternity), 95 (relating to genetic testing) and 96 (relating to
16 proceeding to adjudicate parentage).

17 (d) No timely withdrawal of consent.--If a child conceived
18 by assisted reproduction under a genetic surrogacy agreement
19 that is not validated under section 9813 is born and a genetic
20 surrogate does not withdraw her consent to the agreement,
21 consistent with section 9814(a)(2), before 72 hours after the
22 birth of the child, the genetic surrogate is not automatically a
23 parent and the court shall adjudicate parentage of the child
24 based on the best interest of the child, taking into account the
25 factors in section 9613(a) (relating to adjudicating competing
26 claims of parentage) and the intent of the parties at the time
27 of the execution of the agreement.

28 (e) Standing.--The parties to a genetic surrogacy agreement
29 have standing to maintain a proceeding to adjudicate parentage
30 under this section.

1 § 9817. Genetic surrogacy agreement: parentage of deceased
2 intended parent.

3 (a) Death after gamete or embryo transfer.--Except as
4 otherwise provided in section 9815 (relating to parentage under
5 validated genetic surrogacy agreement) or 9816 (relating to
6 effect of nonvalidated genetic surrogacy agreement), on birth of
7 a child conceived by assisted reproduction under a genetic
8 surrogacy agreement, each intended parent is, by operation of
9 law, a parent of the child, notwithstanding the death of an
10 intended parent during the period between the transfer of a
11 gamete or embryo and the birth of the child.

12 (b) Death before gamete or embryo transfer.--Except as
13 otherwise provided in section 9815 or 9816, an intended parent
14 is not a parent of a child conceived by assisted reproduction
15 under a genetic surrogacy agreement if the intended parent dies
16 before the transfer of a gamete or embryo unless:

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

22 § 9818. Breach of genetic surrogacy agreement.

23 (a) Remedies for breach.--Subject to section 9814(b)
24 (relating to termination of genetic surrogacy agreement), if a
25 genetic surrogacy agreement is breached by a genetic surrogate
26 or one or more intended parents, the nonbreaching party is
27 entitled to the remedies available at law or in equity.

28 (b) When specific performance prohibited.--Specific
29 performance is not a remedy available for breach by a genetic
30 surrogate of a requirement of a validated or nonvalidated

1 genetic surrogacy agreement that the surrogate be impregnated,
2 terminate or not terminate a pregnancy or submit to medical
3 procedures.

4 (c) When specific performance permitted.--Except as
5 otherwise provided in subsection (b), specific performance is a
6 remedy available for:

7 (1) breach of a validated genetic surrogacy agreement by
8 a genetic surrogate of a requirement which prevents an
9 intended parent from exercising the full rights of parentage
10 72 hours after the birth of the child; or

11 (2) breach by an intended parent which prevents the
12 intended parent's acceptance of duties of parentage 72 hours
13 after the birth of the child.

14 CHAPTER 99

15 INFORMATION ABOUT DONOR

16 Sec.

17 9901. Definitions.

18 9902. Applicability.

19 9903. Collection of information.

20 9904. Declaration regarding identity disclosure.

21 9905. Disclosure of identifying information and medical
22 history.

23 9906. Recordkeeping.

24 § 9901. Definitions.

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

28 "Identifying information." All of the following:

29 (1) the full name of a donor;

30 (2) the date of birth of the donor; and

1 (3) the permanent and, if different, current address of
2 the donor at the time of the donation.

3 "Medical history." Information regarding any:

4 (1) present illness of a donor;

5 (2) past illness of the donor; and

6 (3) social, genetic and family history pertaining to the
7 health of the donor.

8 § 9902. Applicability.

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

11 § 9903. Collection of information.

12 A gamete bank or fertility clinic authorized by law to
13 operate in this state shall collect from a donor the donor's
14 identifying information and medical history at the time of the
15 donation. If the gamete bank or fertility clinic sends the
16 gametes of a donor to another gamete bank or fertility clinic,
17 the sending gamete bank or fertility clinic shall forward any
18 identifying information and medical history of the donor,
19 including the donor's signed declaration under section 9904
20 (relating to declaration regarding identity disclosure)
21 regarding identity disclosure, to the receiving gamete bank or
22 fertility clinic. A receiving gamete bank or fertility clinic
23 authorized by law to operate in this state shall collect and
24 retain the information about the donor and each sending gamete
25 bank or fertility clinic.

26 § 9904. Declaration regarding identity disclosure.

27 (a) Duties.--A gamete bank or fertility clinic authorized by
28 law to operate in this state which collects gametes from a donor
29 shall:

30 (1) provide the donor with information in a record about

1 the donor's choice regarding identity disclosure; and
2 (2) obtain a declaration from the donor regarding
3 identity disclosure.

4 (b) Options for donors.--A gamete bank or fertility clinic
5 authorized by law to operate in this state shall give a donor
6 the choice to sign a declaration, attested by a notarial officer
7 or witnessed, that either:

8 (1) states that the donor agrees to disclose the donor's
9 identity to a child conceived by assisted reproduction with
10 the donor's gametes on request once the child attains 18
11 years of age; or

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

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

19 § 9905. Disclosure of identifying information and medical
20 history.

21 (a) Duty to provide identifying information.--On request of
22 a child conceived by assisted reproduction who attains 18 years
23 of age, a gamete bank or fertility clinic authorized by law to
24 operate in this state which collected, stored or released for
25 use the gametes used in the assisted reproduction shall make a
26 good faith effort to provide the child with identifying
27 information of the donor who provided the gametes, unless the
28 donor signed and did not withdraw a declaration under section
29 9904(b) (2) (relating to declaration regarding identity
30 disclosure). If the donor signed and did not withdraw the

1 declaration, the gamete bank or fertility clinic shall make a
2 good faith effort to notify the donor, who may elect under
3 section 9904(c) to withdraw the donor's declaration.

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

13 § 9906. Recordkeeping.

14 A gamete bank or fertility clinic authorized by law to
15 operate in this state which collects, stores or releases gametes
16 for use in assisted reproduction shall collect and maintain
17 identifying information and medical history about each gamete
18 donor. The gamete bank or fertility clinic shall collect and
19 maintain records of gamete screening and testing and comply with
20 reporting requirements, in accordance with Federal law and
21 applicable law of this state other than this part.

22 CHAPTER 99A

23 MISCELLANEOUS PROVISIONS

24 Sec.

25 99A01. Uniformity of application and construction.

26 99A02. Relation to electronic signatures in global and national
27 commerce act.

28 99A03. Transitional provision.

29 § 99A01. Uniformity of application and construction.

30 In applying and construing this uniform act, consideration

1 must be given to the need to promote uniformity of the law with
2 respect to its subject matter among states that enact it.
3 § 99A02. Relation to electronic signatures in global and
4 national commerce act.

5 This part modifies, limits or supersedes the Electronic
6 Signatures in Global and National Commerce Act (Public Law 106-
7 229, 15 U.S.C. § 7001 et seq.), but does not modify, limit or
8 supersede section 101(c) of that act or authorize electronic
9 delivery of any of the notices described in section 103(b) of
10 that act.

11 § 99A03. Transitional provision.

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

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