

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

2013D00036DMS: EAZ

No. _____

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in proceedings prior to petition to adopt, providing for disclosure of paternity test results.

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in proceedings prior to petition to
3 adopt, providing for disclosure of paternity test results.

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

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

8 § 2536. Disclosure of paternity test results.

9 (a) General rule.--Prospective adoptive parents shall be
10 entitled to the results of any paternity test conducted with
11 regard to a child, whether the child has been born or the birth
12 of the child is anticipated, if all of the following apply:

13 (1) A birth parent or intermediary has communicated to
14 the prospective adoptive parent or parents that the child is
15 or will be available for adoption.

16 (2) The prospective adoptive parent or parents have
17 engaged in conduct which clearly indicates that they intend
18 to adopt the child.

1 (3) The results of the paternity test will affect the
2 child's availability for adoption by the prospective adoptive
3 parent or parents.

4 (b) Disclosure.--When a birth parent or putative father is
5 aware of the results of a paternity test, and the prospective
6 adoptive parent or parents are entitled to the results under
7 subsection (a), the birth parent or putative father shall
8 disclose the results of the paternity test within 72 hours to
9 one of the following:

10 (1) The intermediary, who, upon disclosure by the birth
11 parent or putative father, shall immediately notify the
12 prospective adoptive parents.

13 (2) The prospective adoptive parents, if no intermediary
14 is involved.

15 (c) Liability for failure to disclose.--

16 (1) Prospective adoptive parent or parents may commence
17 an action in a court of common pleas in this Commonwealth for
18 appropriate relief of economic damages incurred by the
19 failure of a birth parent, putative father or intermediary to
20 comply with this section.

21 (2) If a court finds that a birth parent, putative
22 father or intermediary was aware of the results of a
23 paternity test and failed to disclose them as required by
24 this section, the court may award compensation for economic
25 damages to the prospective adoptive parent or parents for
26 expenses incurred after the time at which disclosure was
27 required, including:

28 (i) Attorney fees.

29 (ii) Expenses permitted under section 2533(d)
30 (relating to report of intermediary).

1 (iii) Expenses related to preparing to accept
2 placement of the child.

3 (iv) Expenses related to preparing to adopt the
4 child.

5 (v) Any other expenses the court deems appropriate.

6 (d) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "DNA." Deoxyribonucleic acid.

10 "Paternity test." A test especially of DNA, blood group
11 identification or other genetic traits to determine whether a
12 given man could be the biological father of a given child, the
13 accuracy of which test has been accepted in the scientific
14 community. The term includes tests conducted prior to the birth
15 of the child.

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