

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2190 Session of
2024

INTRODUCED BY GROVE, R. MACKENZIE, M. MACKENZIE, D'ORSIE, JAMES,
ORTITAY, KEEFER, LEADBETER, KAUFFMAN, HAMM, ROWE, SCHEMEL,
BERNSTINE, M. JONES, OWLETT, SCHLEGEL, GLEIM, KLUNK, MERCURI,
BANTA, ZIMMERMAN, JOZWIAK, TOPPER AND GILLEN, APRIL 8, 2024

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2024

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support matters generally,
3 providing for support of unborn child.

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 § 4328. Support of unborn child.

9 (a) Obligations.--A biological mother of an unborn child may
10 commence a support action or proceeding under this chapter for
11 support from the biological father of the unborn child. A court
12 shall order and enforce unborn child support obligations in
13 accordance with the biological mother's requested support and
14 the financial ability of the biological father to pay for the
15 support. The start date for unborn child support obligations
16 shall commence on the date of the first prenatal medical visit
17 of a biological mother by a physician.

1 (b) Paternity.--A support action or proceeding under this
2 chapter to establish the paternity of an unborn child shall
3 require the consent of the biological mother. A court may not
4 order a measure to establish the paternity of an unborn child if
5 the measure poses a risk of harm to the unborn child.

6 (c) Accrual of payments.--A court may order that payments
7 for unborn child support be retroactively collected or awarded,
8 including in the event when paternity is established after the
9 birth of the unborn child.

10 (d) Applicability.--This section shall not apply to a
11 biological father who terminated parental rights before
12 conception of the unborn child for the sole purpose of semen
13 donation with the intended use in an artificial insemination or
14 other fertility treatment of a biological mother.

15 (e) Termination of support.--A court may terminate unborn
16 child support upon the determination by a physician that a
17 biological mother is no longer pregnant or upon the
18 determination by a paternity test that the biological father who
19 is a party in the support action or proceeding under this
20 chapter is not the biological father.

21 (f) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Artificial insemination." The deliberate introduction of
25 sperm into a biological female's uterine cavity for the purpose
26 of achieving pregnancy.

27 "Biological father." A male genetic contributor to the
28 creation of an unborn child who inherits the contributor's DNA.

29 "Biological mother." A female genetic contributor to the
30 creation of an unborn child who inherits the contributor's DNA.

1 "Physician." An individual licensed to practice medicine in
2 this Commonwealth. The term includes a medical doctor or doctor
3 of osteopathy.

4 "Unborn child." As defined in 18 Pa.C.S. § 3203 (relating to
5 definitions).

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