

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 968 Session of  
2025

INTRODUCED BY MASTRIANO, STEFANO AND ARGALL, AUGUST 15, 2025

REFERRED TO JUDICIARY, AUGUST 15, 2025

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, providing for gestational carrier  
3 agreements; in child protective services, further providing  
4 for employees having contact with children and adoptive and  
5 foster parents; and imposing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Title 23 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 59

11 GESTATIONAL CARRIER AGREEMENTS

12 Sec.

13 5901. Scope of chapter.

14 5902. Definitions.

15 5903. Background check requirements.

16 5904. Court review and authority.

17 5905. Enforcement and penalties.

18 § 5901. Scope of chapter.

19 This chapter relates to gestational carrier agreements.

20 § 5902. Definitions.

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

"Gestational carrier." An adult woman who agrees to carry a pregnancy for intended parents under a gestational carrier agreement.

"Gestational carrier agreement." A written contract between a gestational carrier and intended parent outlining the rights, responsibilities and expectations of the parties regarding assisted reproduction.

"Intended parent." An individual who enters into a gestational carrier agreement with the intent to be legally recognized as a parent of the resulting child.

§ 5903. Background check requirements.

(a) Mandatory checks.--An intended parent, a gestational carrier and all adult household members residing in the homes of the intended parent and gestational carrier shall obtain the following certifications no more than one year prior to entering into a gestational carrier agreement:

(1) A Pennsylvania State Police criminal history background check.

(2) A Federal Bureau of Investigation fingerprint-based background check.

(3) A Pennsylvania Child Abuse History Clearance.

(4) A Pennsylvania and national sex offender registry check.

(b) Submission and review.--Certifications shall be submitted to the court prior to the issuance of a prebirth or postbirth parentage order.

(c) Interstate protections.--

1       (1) If a gestational carrier or an adult household  
2 member resides outside of this Commonwealth, the individual  
3 shall, in addition to the requirements of subsections (a) and  
4 (b), submit:

5           (i) A criminal history background check from the  
6 individual's state of residence.

7           (ii) A child abuse history clearance from the  
8 individual's state of residence, if available.

9           (iii) A state sex offender registry check from the  
10 individual's state of residence.

11       (2) Background checks and clearances submitted from  
12 outside of this Commonwealth shall meet or exceed the  
13 requirements of the laws of this Commonwealth as specified in  
14 subsections (a) and (b). If the background checks or  
15 clearances from the individual's state of residence do not  
16 meet or exceed the requirements of this Commonwealth, the  
17 individual shall obtain additional certifications as  
18 necessary to satisfy the requirements of this Commonwealth.

19       (3) A parentage order issued in this Commonwealth may  
20 not be granted until all clearances have been verified by the  
21 court.

22       (4) Recognition of valid out-of-State parentage  
23 judgments shall be consistent with Article IV, section 1 of  
24 the Constitution of the United States, except where  
25 recognition would pose a clear and compelling threat to the  
26 immediate safety and welfare of the child.

27       (d) International protections.--

28           (1) If a gestational carrier or adult household member  
29 resides outside of the United States, the following shall be  
30 submitted, in addition to subsections (a) and (b):

1           (i) Available police clearance from the foreign  
2           jurisdiction of residence.

3           (ii) Available foreign child protection clearance or  
4           equivalent documentation.

5           (iii) Certification of lawful entry of the child  
6           into the United States, including a United States  
7           passport, Consular Report of Birth Abroad or other  
8           Federal documentation establishing lawful status.

9           (2) Background checks and clearances submitted from  
10          outside of the United States shall meet or exceed the  
11          requirements of the laws of this Commonwealth as specified in  
12          subsections (a) and (b). If the background checks or  
13          clearances from the foreign jurisdiction do not meet or  
14          exceed the requirements of this Commonwealth, the individual  
15          shall obtain additional certifications as necessary to  
16          satisfy the requirements of this Commonwealth.

17          (3) A prebirth or postbirth parentage order may not be  
18          issued until all clearances have been verified by the court.

19          (4) A prebirth or postbirth parentage order may not be  
20          issued for a child born outside of the United States unless:

21               (i) The child has entered the United States lawfully  
22               or has an approved visa or citizenship application.

23               (ii) All background checks and foreign clearances  
24               required under this section are submitted and verified by  
25               the court.

26          (5) The court may require the intended parents to file a  
27          sworn statement acknowledging any pending Federal immigration  
28          proceedings related to the child's status.

29   § 5904. Court review and authority.

30          (a) Consideration.--The court shall consider the results of

all background checks in determining whether to grant a  
parentage order.

(b) Authority.--The court may, after notice and hearing:

(1) Deny a petition for parentage based on the presence  
of disqualifying offenses consistent with section 6344(c)  
(relating to employees having contact with children; adoptive  
and foster parents).

(2) Impose conditions or require supervision as deemed  
appropriate to ensure the welfare of the child.

(3) Refer matters to child protective services for  
investigation where appropriate.

(c) Interstate and international enforcement.--

(1) The court may not issue a prebirth or postbirth  
parentage order unless:

(i) All background checks required under section  
5903 (relating to background check requirements),  
including those for out-of-State and international  
residents, have been completed and verified.

(ii) The court is satisfied that compliance with  
this chapter ensures the child's placement in a safe and  
vetted home.

(2) Recognition of valid foreign or out-of-State  
parentage judgments may not be denied except where necessary  
to prevent a clear and compelling threat to the immediate  
safety and welfare of the child.

(d) Temporary safe placement.--

(1) If a child born under a gestational carrier  
agreement is present in this Commonwealth and the background  
checks required under section 5903 have not yet been fully  
verified, the court shall:

1           (i) place the child in the temporary care of the  
2           intended parents under supervised placement conditions;  
3           or

4           (ii) if the intended parents or their household  
5           members have not completed sex offender registry  
6           clearances, require temporary safe placement with:

7                   (A) a licensed foster care provider approved by  
8                   the Department of Human Services; or

9                   (B) a preapproved kinship caregiver meeting all  
10                  background check requirements under section 6344.

11           (2) Temporary safe placement shall remain in effect only  
12           until:

13                  (i) The intended parents and all required household  
14                  members have passed all background checks under section  
15                  5903.

16                  (ii) The court issues a prebirth or postbirth  
17                  parentage order.

18           (3) Temporary safe placement may not exceed 30 days  
19           absent a showing of good cause.

20           (4) During temporary safe placement, the intended  
21           parents shall be afforded supervised visitation and care  
22           responsibilities as the court deems consistent with the  
23           welfare of the child.

24           (5) Nothing in this subsection shall delay issuance of a  
25           parentage order once compliance with section 5903 is  
26           confirmed.

27           (e) Regulations.--The Department of Human Services shall  
28           promulgate regulations necessary to implement temporary safe  
29           placement and supervised visitation under this chapter.  
30           § 5905. Enforcement and penalties.

1     (a) Civil penalty.--An individual who knowingly enters into  
2 a gestational carrier agreement without complying with the  
3 background check requirements of this chapter shall be subject  
4 to a civil penalty not to exceed \$10,000.

5     (b) Criminal penalty.--Knowingly submitting false or  
6 fraudulent documentation in connection with the required  
7 certifications under this chapter constitutes a misdemeanor of  
8 the third degree under 18 Pa.C.S. § 4904 (relating to unsworn  
9 falsification to authorities).

10    (c) Administrative enforcement.--The Department of Human  
11 Services shall develop procedures for verifying compliance and  
12 may conduct random audits of gestational carrier agreements  
13 filed in this Commonwealth.

14    (d) Judicial enforcement.--A court may, after notice and  
15 hearing:

16         (1) void a gestational carrier agreement; or

17         (2) withhold parentage recognition if background check  
18 compliance is not demonstrated.

19    (e) Prosecutorial authority.--The Attorney General or county  
20 district attorney may prosecute violations of this section.

21     Section 2. Section 6344(a) of Title 23 is amended by adding  
22 a paragraph and the section is amended by adding a subsection to  
23 read:

24     § 6344. Employees having contact with children; adoptive and  
25             foster parents.

26     (a) Applicability.--Beginning December 31, 2014, this  
27 section applies to the following individuals:

28             \* \* \*

29             (9) An intended parent or gestational carrier and all  
30 adult household members of an intended parent or gestational

1 carrier, in connection with a gestational carrier agreement  
2 involving the placement of a child, whether the birth occurs  
3 in this Commonwealth, in another state or territory or  
4 outside of the United States.

5 \* \* \*

6 (g) 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 "Gestational carrier." As defined in section 5902 (relating  
10 to definitions).

11 "Gestational carrier agreement." As defined in section 5902.

12 "Intended parent." As defined in section 5902.

13 Section 3. This act shall take effect in 180 days.