

## **Same Sex Parents in PA**

In 2015, the Supreme Court issued its landmark decision famously known for affirming the right of same-sex couples to marry. And with major advances in technology like the ability to donate eggs and sperm, in vitro fertilization using alternative insemination, surrogacy, and more, it is becoming increasingly easier for same-sex couples to build their family.

Unfortunately, however, Pennsylvania law has not necessarily caught up with all of this progress. Even if same-sex couples are married, and even if the hospital listed both parents on the birth certificate, the law as it stands may not definitively protect the parental rights of both parents.

While a biological or adoptive parent's rights will always be protected, the parental rights of the other partner may not be. In order for same-sex parents to ensure their parental rights in the future, they may want to adopt the child together. Upon finalization of the adoption, the adoptive parents become for all purposes, the child's legal parents. This means that they assume all of the responsibility of being a parent to that child. It also means that both parents will have legal rights to the child if the parties split up in the future. In other words, if the parties to an adoption separate, both parties will be entitled to seek custody of the child. This may not be the case for a partner who is neither a biological or adoptive parent.

There are also various other benefits that stem from formally adopting the child. For example, insurance benefits, inheritance benefits, the right to be involved in important decision making (e.g., the right to seek legal custody) and more. Additionally, once the adoption is finalized the adoptive parents can get a new birth certificate that shows the child's original birthday, but will show the adoptive parents as the parents, and the name that the adoptive parents have given the child, as the child's name.

So, when is the best time to get the ball rolling on the adoption process? ASAP! You do not necessarily need an adoption agency involved, but you will need court approval.

*(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit [www.Pittsburgh-Divorce-Lawyer.com](http://www.Pittsburgh-Divorce-Lawyer.com) or contact **Notaro & Associates, PC** at 412-281-1988 for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)*