

# **Paternity Determinations**

**A historical perspective and movement to intent-based  
parentage with a review of *Glover v. Junior*, 333 A.3d 323  
(Pa. 2025) and *Sitler v. Jones*, 334 A.3d 861 (Pa. 2025)**



# History of Paternity



- Paths to Parentage
  - Biology
  - Adoption
  - Equity
    - Presumption of Paternity
    - Paternity by Estoppel
  - Contract when parties use Assistive Reproductive Technology (ART)

# Passage of Same-Sex Marriage



- Legal in Pennsylvania since May 20, 2014
- Legal Nationwide since June 26, 2015
- In 2019, the PA Superior Court confirmed that the presumption of paternity/parentage is equally applicable to same-sex and opposite-sex couples.
- Increased use of ART

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Relevant Facts:**
  - Chanel Glover and Nicole Junior met in 2019 and married in CA in 2021.
  - They discussed ART before marriage and engaged a fertility clinic, RMA
  - On February 2, 2021, Glover and Junior choose Fairfax Cryobank for donated sperm.
    - Glover is the “Intended Parent” and Junior is the “Co-Intended Parent”
    - Only Glover signs the contract
  - In April 2021, the parties move to PA.

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- On July 11, 2021, both parties sign a contract with RMA called a “CareShare Agreement.”
  - Glover signs as “Patient” and Junior signs as “Partner”
- In August 2021, the child is conceived using Glover’s egg and donor sperm.
- In November 2021, the parties sign a representation agreement with Jerner Law Group for Junior’s “Confirmatory Step-Parent Adoption.” ]
- On December 5, 2021, the parties sign affidavits expressing intent for Junior to adopt the child.

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- In January 2022, both parties sign a contract with a doula.
- The parties choose a hyphenated last name for the child.
- Over the next few months, the parties' relationship deteriorates.
- In March 2022, Glover tells Junior she does not want to proceed with Junior's second parent adoption.

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Procedural History:**
  - **On April 18, 2022, Glover files for divorce in Philadelphia County.**
  - **On April 27, 2022, Junior files a petition to establish her parental rights to the unborn child.**
  - **Trial Court agreed with Junior and entered an Order finding there was a contract related to ART.**

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Procedural History:**
- **Glover appealed to a 3-judge panel of the Superior Court.**
- **Superior Court reversed and found no contract establishing parentage.**
- **Junior requested re-hearing *en banc*.**

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Procedural History:**
  - Superior Court *en banc* affirmed the trial court.
  - Superior Court found Junior was a parent of the child on three grounds:
    - Contract-based parentage
    - Equitable estoppel
    - Intent-based parentage

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Procedural History:**
  - **Glover filed a Petition for Allowance of Appeal to the PA Supreme Court.**
  - **There were three issues on appeal:**
    - **Did an oral contract establish Junior as a legal parent to the child?**
    - **Should the doctrine of “intent-based” parentage be adopted in PA in the context of a child conceived by ART?**
    - **Did Junior have right to legal parentage as a matter of equity?**

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Was this Parentage by Oral Contract?**
  - Glover argued no and said the parties' intent and other written agreements to establish an oral contract.
  - Junior argued yes and noted that courts routinely consider evidence of intent to establish oral contracts.
  - PA Supreme Court found no oral contract because there was lack of consideration and mutual assent.

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- Was this Parentage by Equity?
  - Glover argued no because Superior Court considered relief that went beyond the trial court's determination.
  - Junior argued yes because the record is full of examples of Glover accepting Junior as a parent.
- PA Supreme Court found
  - Presumption of parentage does not apply because marriage is not intact
  - Estoppel does not apply because Junior did not form relationship with child

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **Was this Intent-Based Parentage?**
  - Glover argued no and emphasized the chaos and uncertainty that this case-by-case analysis would cause.
  - Junior argued yes, noted that intent-based parentage is an extension of contract principles, and suggested a two-step analysis:
    - If the parties are married and undertook ART, then there is a rebuttable presumption that both are parents.
    - If the parties are not married, then the court should look at proof of whether the non-carrying party was intended to be the second parent.

## ***Glover v. Junior, 333 A.3d 323 (Pa. 2025)***



- **PA Supreme Court found:**
  - Doctrine of Intent-Based Parentage is an extension of existing parentage jurisprudence.
  - Courts should consider all evidence from pre-conception to post-birth of the child to determine whether parties jointly undertook ART.
  - Decline to adopt a new marital presumption.

## **Sitler v. Jones, 334 A.3d 861 (Pa. 2025)**



- Decided just one-month after *Glover v. Junior*.
- **Facts/Procedural History:**
  - On March 25, 2022, Alexas Jones married her husband, B.J.; they already share one child.
  - In May 2023, Jones gives birth to a second child.
  - Steven Sitler seeks custody of the second child as he had intercourse with Jones around the time of conception.

## **Sitler v. Jones, 334 A.3d 861 (Pa. 2025)**



- **Facts/Procedural History:**
  - Jones and B.J. care for the child and B.J.'s name was put on the birth certificate.
  - Jones and B.J. tell everyone that B.J. is the father.
  - Husband agrees to care for the child even if not biologically his.
  - Sitler files a request for genetic testing.

## **Sitler v. Jones, 334 A.3d 861 (Pa. 2025)**



- Trial Court found that:
  - Both the presumption of paternity and paternity by estoppel apply to preclude genetic testing.
  - Jones and B.J. had an intact marriage.
  - Sitler did not present clear and convincing evidence that B.J. was sterile, impotent, or lacked access to Jones at time of conception.
  - Child had established a familial bond with B.J.
- Superior Court affirmed.

## **Sitler v. Jones, 334 A.3d 861 (Pa. 2025)**



- On appeal, Sitler argued that the presumption of paternity is outdated and inconsistent with modern realities of DNA testing.
- The PA Supreme Court:
  - Upheld the presumption of paternity for intact marriages, but stated that it may be rebutted upon clear and convincing evidence that
    - There is a reasonable possibility DNA testing would reveal the putative father to be the child's biological father AND
    - Determining parentage based on DNA serves the best interests of the child