

No. 1978-288

## AN ACT

HB 1521

Amending the act of May 14, 1857 (P.L.507, No.567), entitled "An act to Legitimate Children Born out of Lawful Wedlock," providing that all children are legitimate.

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

Section 1. Section 1, act of May 14, 1857 (P.L.507, No.567), entitled "An act to Legitimate Children Born out of Lawful Wedlock," amended June 17, 1971 (P.L.175, No.17), is amended to read:

Section 1. *(a)* Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That ***all children shall be legitimate irrespective of the marital status of their parents and*** in any and every case where [the father and mother of a child or] children *are* born out of wedlock [shall enter into the bonds of lawful wedlock and cohabit, such child or children shall thereby become legitimated, and] *they shall* enjoy all the rights and privileges as if they had been born during the wedlock of [their] *such* parents, *except as otherwise provided in Title 20 Pa.C.S.*

*(b)* For purposes of prescribing benefits to children born out of wedlock by, from and through the father, paternity shall be determined by any one of the following ways:

*(1)* If the parents of a child born out of wedlock shall have married each other.

*(2)* If during the lifetime of the child, the father openly holds out the child to be his and receives the child into his home, or openly holds the child out to be his and provides support for the child which shall be determined by clear and convincing evidence.

*(3)* If there is clear and convincing evidence that the man was the father of the child which may include a prior court determination of paternity.

Section 2. This act shall take effect immediately and shall apply to all children living on or born after the date of enactment if the child's father is living on that date or if he is born after the effective date of this act.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP