

Convicted sex-offender adopts a child through surrogacy

by Jesse Bunch

9 August 2025

Philadelphia Inquirer

Riley-Mitchell, 39, was a chemistry teacher at Downingtown West High School in 2016 when he was convicted on charges of sexually abusing a minor and possession of child pornography. The former West Chester resident carried on a sexually inappropriate relationship via thousands of text messages with an underage student at the school for more than a year, according to local media reports.

The conviction meant Riley-Mitchell was jailed for about three months and sentenced to probation, and ordered to have no unsupervised contact with minors, placed on a registry, among other state requirements for convicted sex offenders.



Pennsylvania law prohibits registered sex offenders from adopting or fostering children. But no statute exists in Pennsylvania regarding who can conceive through surrogacy, according to a legal specialist, leaving the 2024 birth of Riley-Mitchell's child via gestational surrogate open to interpretation.

Besides spurring state lawmakers to reexamine Pennsylvania's surrogacy laws, the video has garnered more than 11 million views on X, and national news outlets from Newsweek to TMZ have chimed in on the unique circumstances surrounding Riley-Mitchell's fatherhood. On Change.org, a petition calling on Gov. Josh Shapiro and other state officials to remove the child from Riley-Mitchell's care has more than 10,000 signatures.

Parents who choose to conceive through surrogacy typically apply for a pre-birth order, making them, rather than the surrogate mother, the child's legal guardians from the moment of birth. Otherwise, prospective parents would technically need to adopt the baby and become subject to background checks. It is unclear whether Riley-Mitchell and his partner obtained a pre-birth order.

Peter Kratsa, Riley Mitchell's former attorney in his criminal case, said his former client "did nothing illegal or unethical in becoming a surrogate parent," adding that he had "accepted responsibility for his conduct, served his sentence without incident, and engaged in extensive counseling."

"Perhaps the attention of those decrying his parenthood would be more appropriately directed toward those who are not held accountable for child abuse, are not punished, and make no efforts at rehabilitation," Kratsa said.

According to an archived GoFundMe page from 2020, Riley-Mitchell and his partner did not hide their pursuit of having a child.

"Once the baby is born, the intended parents (Brandon and I) would have full legal custody," Riley-Mitchell's partner wrote on the page, which raised more than \$2,000 out of a \$50,000

goal for an IVF procedure.

In an update in November 2023, an announcement on the page read that a "family friend" had agreed to carry the child.

"Our surrogate went through extensive medical and social worker evaluations in order to be approved for surrogacy," the update said. "Once approved, the lengthy legal and financial process began."

Stuart Sacks, a Harrisburg-based surrogacy and adoption attorney, said he couldn't form a complete opinion on the couple's surrogacy until he knew whether it was Riley-Mitchell's DNA that contributed to the procedure.

"If Brandon is the genetic parent, that's maybe where the loophole comes in," Sacks said.

Despite ambiguities around the procedure, the state legislature has "refused" to adopt a surrogacy act in the past, according to Sacks - though some Harrisburg lawmakers would like that to change.

Citing the Riley-Mitchell case by name, state Rep. Aaron Bernstine (R., Lawrence) announced last month that he intends to introduce a bill barring sex offenders from becoming parents via surrogacy.

Bernstine said the process of obtaining a pre-birth order "bypasses the background checks, home studies, and judicial oversight that would otherwise be required in an adoption or foster care placement."

"This loophole was recently brought to light in a deeply disturbing case in which a Tier I sexual offender - who was previously convicted of sexually abusing a minor - was successful in lawfully obtaining full legal parentage of a child through surrogacy," Bernstine wrote.

The bill would require background checks and child abuse clearances for surrogacy-seeking parents, according to the lawmaker.

Riley-Mitchell was 30-years-old when he was charged for sexual misconduct involving the student, who was 16 when the abuse began, according to the Times of Chester County.

Riley-Mitchell was found to have exchanged more than 12,000 text messages with the student between May 2013 and December 2014, some of which included nude images and videos of the minor. Riley-Mitchell also suggested the student perform oral sex on him upon graduation, according to the report.

At one point, Riley-Mitchell told the student to delete their text messages; investigators were able to recover incriminating messages from Riley-Mitchell's phone after obtaining a search warrant.

Riley-Mitchell surrendered his teaching license and is no longer a teacher at Downingtown West. His last known employer is based in Lancaster, according to his Megan's Law offender profile.