

CPSL Amendments
Definitions Only

Act	Definition	Practical Implication
Act 33 of 2014 Added §6303(a) of Title 23 Effective 12/31/14	<u>"Adult." An individual 18 years of age or older.</u>	
Act 108 Added to §6303(a) of Title 23 Effective 12/31/14	<u>"Bodily injury." Impairment of physical condition or substantial pain.</u>	
Act 108 Added to §6303(a) of Title 23 Effective 12/31/14	<u>Child." An individual under 18 years of age.</u>	
Act 108 of 2013 Amended §6303(b.1) of Title 23 Effective 12/31/14	<u>Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:</u> <u>(1) Causing bodily injury to a child through any recent act or failure to act.</u> <u>(2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which</u>	

results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(4) Causing sexual abuse or exploitation of a child through any act or failure to act.

(5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(7) Causing serious physical neglect of a child.

(8) Engaging in any of the following recent acts:

(i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.

(iii) Forcefully shaking a child under one year of age.

(iv) Forcefully slapping or otherwise striking a child under one year of age.

(v) Interfering with the breathing of a child.

(vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent

	<p><u>predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.</u></p> <p><u>(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).</u></p> <p><u>(9) Causing the death of the child through any act or failure to act.</u></p> <p><u>(c) Restatement of culpability.--Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.</u></p> <p><u>(d) Child abuse exclusions.--The term "child abuse" does not include any conduct for which an exclusion is provided in section 6304 (relating to exclusions from child abuse).</u></p>	
<p>Act 108 of 2013 Added to §630 4 of Title 23 Effective 12/31/14</p>	<p>§ 6304. Exclusions from child abuse.</p> <p><u>(a) Environmental factors.--No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.</u></p> <p><u>(b) Practice of religious beliefs.--If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed</u></p>	

to be physically or mentally abused. In such cases the following shall apply:

(1) The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.

(2) All correspondence with a subject of the report and the records of the department and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.

(3) The family shall be referred for general protective services, if appropriate.

(4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.

(5) This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.

(c) Use of force for supervision, control and safety purposes.--Subject to subsection (d), the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:

(1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.

(2) The use of reasonable force is necessary:

(i) to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;

(ii) to prevent the child from self-inflicted physical harm;

(iii) for self-defense or the defense of another

individual; or
(iv) to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.
(d) Rights of parents.--Nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.
(e) Participation in events that involve physical contact with child.--An individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirements of this chapter.
(f) Child-on-child contact.--
(1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.
(2) Notwithstanding paragraph (1), the following shall apply:
(i) Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:
(A) rape as defined in 18 Pa.C.S. § 3121 (relating to rape);
(B) involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
(C) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);

	<p><u>(D) aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);</u></p> <p><u>(E) indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault); and</u></p> <p><u>(F) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).</u></p> <p><u>(ii) No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight or scuffle entered into by mutual consent.</u></p> <p><u>(iii) A law enforcement official who receives a report of suspected child abuse is not required to make a report to the department under section 6334(a) (relating to disposition of complaints received), if the person allegedly responsible for the child abuse is a nonperpetrator child.</u></p> <p><u>(g) Defensive force.--Reasonable force for self-defense or the defense of another individual, consistent with the provisions of 18 Pa.C.S. §§ 505 (relating to use of force in self-protection) and 506 (relating to use of force for the protection of other persons), shall not be considered child abuse.</u></p>	
<p>Act 119 Amended §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Child-care services." Includes any of the following:</u></p> <p><u>(1) Child day-care centers.</u></p> <p><u>(2) Group day-care homes.</u></p> <p><u>(3) Family day-care homes.</u></p> <p><u>(4) Foster homes.</u></p> <p><u>(5) Adoptive parents.</u></p> <p><u>(6) Boarding homes for children.</u></p> <p><u>(7) Juvenile detention center services or programs for delinquent or dependent children.</u></p> <p><u>(8) Mental health services for children.</u></p> <p><u>(9) Services for children with intellectual disabilities.</u></p> <p><u>(10) Early intervention services for children.</u></p> <p><u>(11) Drug and alcohol services for children.</u></p>	

	<p><u>(12) Day-care services or programs that are offered by a school.</u></p> <p><u>(13) Other child-care services that are provided by or subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or that are provided pursuant to a contract with the Department of Public Welfare or a county social services agency.</u></p>	
Act 33 of 2014 Added §6303(a) of Title 23 Effective 12/31/14	<u>"Direct contact with children." The care, supervision, guidance or control of children, or routine interaction with children.</u>	
Act 29 of 2014 Added §6303(a) of Title 23 Effective 12/31/14	<u>"Electronic technologies." The transfer of information in whole or in part by technology having electrical, digital, magnetic, wireless, optical, electromagnetic, photo-electronic or photo-optical systems, or similar capabilities. The term includes, but is not limited to, e-mail, Internet communication or other means of electronic transmission.</u>	
Act 44 of 2014 Amended §6303(a) of Title 23 Effective 12/31/14	<p><u>"Founded report." A child abuse report involving a perpetrator that is made pursuant to this chapter, if any of the following applies:</u></p> <p><u>(1) There has been a judicial adjudication based on a finding that a child who is a subject of the report has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following:</u></p> <p><u>(i) The entry of a plea of guilty or nolo contendere.</u></p> <p><u>(ii) A finding of guilt to a criminal charge.</u></p> <p><u>(iii) A finding of dependency under 42 Pa.C.S. § 6341 (relating to adjudication) if the court has entered a finding that a child who is the subject of the report has been abused.</u></p> <p><u>(iv) A finding of delinquency under 42 Pa.C.S. § 6341</u></p>	

	<p><u>if the court has entered a finding that the child who is the subject of the report has been abused by the child who was found to be delinquent.</u></p> <p><u>(2) There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.</u></p> <p><u>(3) There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the decree involves the same factual circumstances involved in the allegation of child abuse and the terms and conditions of the [allegation] consent decree include an acknowledgment, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent.</u></p> <p><u>(4) A final protection from abuse order has been granted under section 6108 (relating to relief), when the child who is a subject of the report is one of the individuals protected under the protection from abuse order and:</u></p> <p><u>(i) only one individual is charged with the abuse in the protection from abuse action;</u></p> <p><u>(ii) only that individual defends against the charge;</u></p> <p><u>(iii) the adjudication involves the same factual circumstances involved in the allegation of child abuse; and</u></p> <p><u>(iv) the protection from abuse adjudication finds that the child abuse occurred.</u></p>	
<p>Act 44 of 2014 Amended §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"General protective services." Those services and activities provided by each county agency for cases requiring protective services, as defined by the department in regulations.</u></p>	

<p>Act 33 of 2014 Added §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Health care facility." as defined in section 802.1 of the Act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.</u></p>	
<p>Act 4 of 2014 Added to §6303(a) of Title 23 Effective 4/22/14</p>	<p><u>"Health care provider." A licensed hospital or health care facility or person who is licensed, certified or otherwise regulated to provide health care services under the laws of this Commonwealth, including a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician's assistant, chiropractor, dentist, pharmacist or an individual accredited or certified to provide behavioral health services.</u></p>	
<p>Act 33 of 2014 Added §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Independent contractor." An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children.</u></p>	
<p>Act 108 of 2013 Amended §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Indicated report."</u> <u>(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the Department of Public Welfare or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following:</u> <u>(i) Available medical evidence.</u> <u>(ii) The child protective service investigation.</u> <u>(iii) An admission of the acts of abuse by the perpetrator.</u> <u>(2) A report may be indicated under paragraph (1)(i) or (ii) for any child who is the victim of child abuse, regardless of the number of alleged perpetrators.</u></p>	

	<p><u>(3) A report may be indicated under paragraph (1)(i) or (ii) listing the perpetrator as "unknown" if substantial evidence of abuse by a perpetrator exists, but the department or county agency is unable to identify the specific perpetrator.</u></p>	
<p>Act 108 of 2013 Added to §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Intentionally."</u> The term shall have the same meaning as provided in 18 Pa.C.S. § 302 (relating to general requirements of culpability). <i>A person acts intentionally when they consciously engage in conduct of that nature or cause such a result and are aware of such circumstances or believe or hope that they exist. 18 Pa.C.S. § 302 (relating to general requirements of culpability).</i></p> <p><u>"Knowingly."</u> The term shall have the same meaning as provided in 18 Pa.C.S. § 302 (relating to general requirements of culpability). <i>A person acts knowingly when they are aware that their conduct is of that nature or that such circumstances exist and they are aware that it is practically certain that their conduct will cause such a result. 18 Pa.C.S. § 302 (relating to general requirements of culpability).</i></p> <p><u>"Recklessly."</u> The term shall have the same meaning as provided in 18 Pa.C.S. § 302 (relating to general requirements of culpability). <i>A person acts recklessly when they consciously disregard a substantial and justifiable risk that the material element exists or will result from their conduct. The risk must be of such a nature and degree that, considering the nature and intent of the conduct and the circumstances known to them, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the situation. 18 Pa.C.S. § 302 (relating to general requirements of culpability).</i></p>	
<p>Act 29 of 2014 Added</p>	<p><u>"Law enforcement official."</u> The term includes the following:</p> <p><u>(1) The Attorney General.</u></p>	

<p>§6303(a) of Title 23 Effective 12/31/14</p>	<p><u>(2) A Pennsylvania district attorney.</u> <u>(3) A Pennsylvania State Police officer.</u> <u>(4) A municipal police officer.</u></p>	
<p>Act 29 of 2014 Added §6303(a) of Title 23 Effective 12/31/14</p> <p>Act 33 of 2014 Added §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Mandated reporter." A person who is required by this chapter to make a report of suspected child abuse.</u></p>	
<p><u>Act 44 of 2014 Amended §6303(a) of Title 23 Effective 12/31/14</u></p>	<p><u>"Near fatality" A child's serious or critical condition, as certified by a physician, where that child is a subject of the report of child abuse.</u></p>	
<p>Act 108 of 2013 Added to §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Parent." A biological parent, adoptive parent or legal guardian.</u></p>	
<p>Act 117 of 2013 Amended §6303(a) of</p>	<p><u>"Perpetrator." A person who has committed child abuse as defined in this section. The following shall apply:</u> <u>(1) The term includes only the following:</u></p>	

<p>Title 23 Effective 12/31/14</p>	<p><u>(i) A parent of the child.</u> <u>(ii) A spouse or former spouse of the child's parent.</u> <u>(iii) A paramour or former paramour of the child's parent.</u> <u>(iv) A person 14 years of age or older and responsible for the child's welfare.</u> <u>(v) An individual 14 years of age or older who resides in the same home as the child.</u> <u>(vi) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.</u> <u>(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:</u> <u>(i) A parent of the child.</u> <u>(ii) A spouse or former spouse of the child's parent.</u> <u>(iii) A paramour or former paramour of the child's parent.</u> <u>(iv) A person 18 years of age or older and responsible for the child's welfare.</u> <u>(v) A person 18 years of age or older who resides in the same home as the child.</u></p>	
<p>Act 33 of 2014 Added §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Person affiliated with" a person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person.</u></p>	
<p>Act 117 of 2013 Amended §6303(a) of Title 23 Effective 12/31/14</p>	<p><u>"Person responsible for the child's welfare." A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or</u></p>	

	<u>other not-for-profit organization.</u>	
Act 33 of 2013 Amended §6303(a) of Title 23 Effective December 31, 2014	<u>"Program, activity or service." A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:</u> <u>(1) A youth camp or program.</u> <u>(2) A recreational camp or program.</u> <u>(3) A sports or athletic program.</u> <u>(4) An outreach program.</u> <u>(5) An enrichment program.</u> <u>(6) A troop, club or similar organization.</u>	
Act 108 of 2013 Added to §6303(a) of Title 23 Effective 12/31/14	<u>"Recent act or failure to act." Any act or failure to act committed within two years of the date of the report to the Department of Public Welfare or county agency.</u>	
Act 4 of 2014 Added to §6303(a) of Title 23 Effective 4/22/14	<u>"Safety assessment." A Commonwealth-approved systematic process that assesses a child's need for protection or services based on the threat to the safety of the child.</u>	
<u>Act 44 of 2014</u> <u>Amended §6303(a) of Title 23</u> <u>Effective 12/31/14</u>	<u>"School." A facility providing elementary, secondary or postsecondary educational services. The term includes the following:</u> <u>(1) Any school of a school district.</u> <u>(2) An area vocational-technical school.</u> <u>(3) A joint school.</u> <u>(4) An intermediate unit.</u> <u>(5) A charter school or regional charter school.</u> <u>(6) A cyber charter school.</u> <u>(7) A private school licensed under the act of January</u>	

	<p><u>28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.</u></p> <p><u>(8) A private school accredited by an accrediting association approved by the State Board of Education.</u></p> <p><u>(9) A nonpublic school.</u></p> <p><u>(10) A community college which is an institution now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the former act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.</u></p> <p><u>(11) An independent institution of higher education which is an institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to power to confer degrees) and entitled to apply to itself the designation "college" or "university" as provided for by standards and qualifications prescribed by the State Board of Education pursuant to 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).</u></p> <p><u>(12) A State-owned university.</u></p> <p><u>(13) A State-related university.</u></p> <p><u>(14) A private school licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.</u></p> <p><u>(15) Hiram G. Andrews Center.</u></p> <p><u>(16) A private residential rehabilitative institution as defined in section 914.1-A(c) of the Public School Code of 1949.</u></p>	
<p>Act 44 of 2014 Amended §6303(a)</p>	<p><u>"School employee." An individual who is employed by a school or who provides a program, activity or service in sponsored by a school. The term includes an independent contractor and employees. The term</u></p>	

of Title 23 Effective 12/31/14	<u>excludes an individual who has no direct contact with children.</u>	
Act 108 of 2013 Added to §6303(a) of Title 23 Effective 12/31/14	<p><u>"Serious physical neglect." Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:</u></p> <p><u>(1) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.</u></p> <p><u>(2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.</u></p>	
Act 108 of 2013 Added to §6303(a) of Title 23 Effective 12/31/14	<p><u>"Sexual abuse or exploitation." Any of the following:</u></p> <p><u>(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:</u></p> <p><u>(i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.</u></p> <p><u>(ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.</u></p> <p><u>(iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.</u></p> <p><u>(iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</u></p> <p><u>This paragraph does not include consensual activities between a child who is 14 years of age or older and</u></p>	

	<p><u>another person who is 14 years of age or older and whose age is within four years of the child's age.</u></p> <p><u>(2) Any of the following offenses committed against a child:</u></p> <p><u>(i) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).</u></p> <p><u>(ii) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).</u></p> <p><u>(iii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).</u></p> <p><u>(iv) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).</u></p> <p><u>(v) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).</u></p> <p><u>(vi) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).</u></p> <p><u>(vii) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).</u></p> <p><u>(viii) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).</u></p> <p><u>(ix) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).</u></p> <p><u>(x) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).</u></p> <p><u>(xi) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).</u></p> <p><u>(xii) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).</u></p> <p><u>(xiii) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).</u></p>	
Act 45 of 2014 Amended	<p><u>"Subject of the report." Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator [or school</u></p>	

§6303(a) of Title 23 Effective 12/31/14	<u>employee named]</u> in a report made to the <u>Department of Public Welfare or a county agency</u> <u>under this chapter.</u>	
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