

Comparison Chart: Dispositions

Issue	Code	Old	New	Description	Effective Date
<p>Exclusions from child abuse</p>	<p>§ 6303 (b) (2) and (3) DELETED by Act 108</p> <p>§6304 of Title 23 ADDED by Act 108 of 2013</p>	<p>(b)(2) No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care</p> <p>(3) If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health. In cases</p>	<p>(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</p> <p>(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 to be physically or</p>	<ul style="list-style-type: none"> • Clarified previous exclusions: <ul style="list-style-type: none"> ○ Exclusions for environmental factors do not pertain to any person or entity defined under child care service except an adoptive parent ○ Exclusions for the practice of religious beliefs only applies to caregivers within the third degree of consanguinity and with whom the child resides ○ The exclusion for the practice of religious beliefs does not apply if the failure to provide needed medical care causes death • Added exclusions including: <ul style="list-style-type: none"> ○ The use of force for supervision, control and safety purposes applies to parents or person's responsible for the child welfare (including child care service staff) as long as: <ul style="list-style-type: none"> ▪ The use of force is reasonable and constitutes incidental or minor contact with the child to maintain order and control ▪ The use of force is necessary to: <ul style="list-style-type: none"> ○ Quell a disturbance ○ To remove a child from a disturbance that threatened physical injury to person or damage to property ○ To prevent the child from self-inflicted physical harm ○ For self-defense or the defense of another person ○ To obtain possession of weapons, dangerous objects, controlled substances or paraphernalia on the child or within their control ○ Exclusion for physical contact that occurs during 	<p>Act 108 of 2013 effective 12/31/14</p>

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		<p>involving religious circumstances, all correspondence with a subject of the report and the records of the Department of Public Welfare and the county agency shall not reference "child abuse" and shall acknowledge the religious basis for the child's condition, and the family shall be referred for general protective services, if appropriate.</p>	<p>mentally abused. In such cases the following shall apply:</p> <p>(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</p> <p>(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</p> <p>(3) The family shall be referred for general protective services, if appropriate</p> <p>(4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child</p> <p>(5) This subsection shall not apply to any child-care service as defined in this</p>	<p>participation in sports or extracurricular activities</p> <ul style="list-style-type: none"> ○ Harm or injury to a child that results from the act of another child is not considered child abuse and need not be reported to ChildLine unless <ul style="list-style-type: none"> ▪ The child who caused the injury is a perpetrator; or ▪ The following sexual offenses were committed: rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, and indecent exposure ○ No child shall be considered a perpetrator as a result of physical or mental injuries caused during the course of a dispute, fight or scuffle entered into by mutual consent ○ Excludes the use of reasonable force for self-defense or defense of another individual 	

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			<p>chapter, excluding an adoptive parent</p> <p>(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:</p> <p>(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</p> <p>(2) The use of reasonable force is necessary:</p> <p>(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;</p> <p>(ii) to prevent the child from self-inflicted</p>		

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			<p>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 paraphernalia that are on the child or within the control of the child</p> <p>(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</p> <p>(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,</p>		

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			<p>in itself, constitute contact that is subject to the reporting requirements of this chapter</p> <p>(f) Child-on-child contact.--</p> <p>(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</p> <p>(2) Notwithstanding paragraph (1), the following shall apply:</p> <p>i) Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:</p> <p>(A) rape as defined in 18 Pa.C.S. § 3121 (relating to rape);</p> <p>(B) involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);</p>		

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			<p>(C) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);</p> <p>(D) aggravated indecent assault as defined in 18 Pa.C.S. §3125 (relating to aggravated indecent assault);</p> <p>(E) indecent assault as defined in Pa.C.S. § 3126 (relating to indecent assault); and</p> <p>(F) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure)</p> <p>(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</p> <p>(iii) A law enforcement official who receives a</p>		

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			<p>report of suspected child 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</p> <p>(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</p>		
<p>Disposition of founded and indicated reports</p>	<p>§ 6338 of Title 23 AMENDED by Act 108 of 2013, Act 29 of 2013, and Act 45 of 2013</p>	<p>(a) General rule.--When a report of suspected child abuse or a report under Subchapter C.1 (relating to students in public and private schools) is determined by the appropriate county agency to be a founded report or an indicated report, the information concerning that report of suspected child</p>	<p>(a) General rule.--When a report of suspected child abuse or a report under Subchapter C.1 (relating to students in public and private schools) is determined by the appropriate county agency to be a founded report or an indicated report, the information concerning that report of suspected child</p>	<ul style="list-style-type: none"> • Notification of a determination moved to 6368(f) 	<p>Act 108 of 2013 effective 12/31/14</p> <p>Act 29 of 2013 effective 12/31/14</p> <p>Act 45 of 2013 effective 12/31/14</p>

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		<p>abuse shall be expunged immediately from the pending complaint file, and an appropriate entry shall be made in the Statewide central register. Notice of the determination must be given to the subjects of the report, other than the abused child, and to the parent or guardian of the affected child or student along with an explanation of the implications of the determination. Notice given to perpetrators of child abuse and to school employees who are subjects of indicated reports for school employees or founded reports for school employees shall include notice that their ability to obtain employment in a child-care facility or program or a public or private school may be adversely affected by entry of the report in the Statewide central register. The notice shall also inform the recipient of his right, within 45 days after being notified of the status of the</p>	<p>abuse shall be expunged immediately from the pending complaint file, and an appropriate entry shall be made in the Statewide central register. Notice of the determination that a report is a founded, indicated or unfounded report shall be made as provided in section 6368(f) (relating to investigation of reports).</p>		

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		report, to appeal an indicated report, and his right to a hearing if the request is denied.			
Review of indicated reports	§ 6368 (e), (f), (g), and (h) of Title 23 ADDED by Act 108 of 2013	NA	<p>(e) Review of indicated reports.--A final determination that a report of suspected child abuse is indicated shall be approved by:</p> <p>(1) the county agency administrator or a designee and reviewed by a county agency solicitor, when the county agency is investigating; or</p> <p>(2) the secretary or a designee and reviewed by legal counsel for the department, when the department is investigating</p> <p>(f) Final determination.-- Immediately upon conclusion of the child abuse investigation, the county agency shall provide the results of its investigation to the department in a manner prescribed by the department. Within three business days of receipt of the results of the investigation from the county</p>	<ul style="list-style-type: none"> • Required the approval of the county agency administrator or their designee of a final determination that a child abuse report is indicated • Required review by the county agency solicitor prior to a final determination that a child abuse report is indicated • Required the approval of the secretary or a designee and review by the department’s legal counsel prior to a final determination that a child abuse report is indicated when the department is investigating the report of child abuse • Provided that the county agency must provide the results of its investigation immediately upon conclusion of the child abuse investigation to the department in the manner prescribed by the department n conclusion of the investigation • Established a requirement for the department, within three business days of the receipt of the results of the investigation, to notify mandated reporters of the status determination and the services planned or provided to protect the child • Established a three business day timeframe for the department to send notice of the final determination to the subjects of the report, excluding the child • Specified notice to include: <ul style="list-style-type: none"> ○ Mailing of the final determination to the recipient's last known address ○ The determination is presumed received when not 	Act 108 of 2013 effective 12/31/14

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			<p>agency, the department shall send notice of the final determination to the subjects of the report, other than the abused child. The determination shall include the following information:</p> <ul style="list-style-type: none"> (1) The status of the report (2) The perpetrator's right to request the secretary to amend or expunge the report (3) The right of the subjects of the report to services from the county agency (4) The effect of the report upon future employment opportunities involving children (5) The fact that the name of the perpetrator, the nature of the abuse and the final status of a founded or indicated report will be entered in the Statewide database, if the perpetrator's Social Security number or date of birth are known (6) The perpetrator's right to file an appeal of an indicated finding of abuse 	<p>returned undeliverable</p> <ul style="list-style-type: none"> ○ If the determination is returned undeliverable, the entry in the statewide database shall include information that the department was unable to provide notice ○ No further efforts to provide notice shall be required, except that the department shall resume reasonable efforts to provide notice if new information is received regarding the whereabouts of an individual <ul style="list-style-type: none"> ● Specified content of notice 	

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			<p>pursuant to section 6341 (relating to amendment or expunction of information) within 90 days of the date of notice</p> <p>(7) The perpetrator's right to a fair hearing on the merits on an appeal of an indicated report filed pursuant to section 6341</p> <p>(8) The burden on the investigative agency to prove its case by substantial evidence in an appeal of an indicated report</p> <p>(g) Notice.--Notice under subsection (f) shall constitute mailing of the final determination to the recipient's last known address. The determination is presumed received when not returned by the postal authorities as undeliverable. If the determination is returned as undeliverable, the entry in the Statewide database shall include information that the department was unable to provide notice. No further efforts to provide notice shall</p>		

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			<p>be required, except that the department shall resume reasonable efforts to provide notice if new information is received regarding the whereabouts of an individual who is entitled to receive notice under subsection (f). (h) Notice to mandated reporter.--If a report was made by a mandated reporter under section 6313 (relating to reporting procedure), the department shall notify the mandated reporter who made the report of suspected child abuse of all of the following within three business days of the department's receipt of the results of the investigation:</p> <ul style="list-style-type: none"> (1) Whether the child abuse report is founded, indicated or unfounded (2) Any services provided, arranged for or to be provided by the county agency to protect the child 		
<p>County agency requirements for general protective services</p>	<p>§ 6375 (c) of Title 23 AMENDED by Act 29 of 2014</p>	<p>(c) Assessment for services.-- (1) Within 60 days of receipt of a report, an assessment shall be</p>	<p>(c) Assessment for services.-- (1) Within 60 days of receipt of a report, an assessment shall be</p>	<ul style="list-style-type: none"> • Required county agencies to: <ul style="list-style-type: none"> ○ Immediately notify the department upon completion of the assessment whether the report was determined to be valid or invalid and whether 	<p>Act 29 of 2014 effective 12/31/14 Act 107 of 2013</p>

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	<p>§ 6375 (o) of Title 23 ADDED by Act 107 of 2013</p>	<p>completed and a decision on whether to accept the family for service shall be made. The county agency shall provide or arrange for services necessary to protect the child during the assessment period.</p> <p>(2) Each county agency shall implement a State approved risk assessment process in performance of its duties.</p>	<p>completed and a decision on whether to accept the family for service shall be made. The county agency shall provide or arrange for services necessary to protect the child during the assessment period.</p> <p>(1.1) The county agency shall immediately notify the department upon the completion of the assessment whether the report was determined to be valid or invalid and whether the family was accepted for services or referred to community services.</p> <p>(1.2) The county agency shall immediately notify the department upon the closure of services for a child or family that has been accepted for services.</p> <p>(2) Each county agency shall implement a State approved risk assessment process in performance of its duties.</p>	<p>the family was accepted for services or referred to community services</p> <ul style="list-style-type: none"> ○ Immediately notify the department upon the closure of services for a child or family that has been accepted for services ● Added subsection (o) to reflect the changes to 6340 (release of information of confidential reports) 	<p>effective 1/1/14</p>

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			(o) Availability of information.--Information related to reports of a child in need of general protective services shall be available to individuals and entities to the extent they are authorized to receive information under section 6340 (relating to release of information in confidential reports).		

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<p>Founded report</p>	<p>§6303(a) of Title 23 AMENDED by Act 108 of 2013 and Act 44 of 2014</p>	<p>A child abuse report made pursuant to this chapter if there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of abuse</p>	<p>A child abuse report involving a perpetrator that is made pursuant to this chapter, if any of the following applies: (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: (i) The entry of a plea of guilty or nolo contendere (ii) A finding of guilt to a criminal charge (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 (iv) A finding of delinquency under 42 Pa.C.S. § 6341 if the court has entered a finding that the child who is the subject of the report has been abused by the</p>	<ul style="list-style-type: none"> • Reorganized and enumerated to clarify the conditions of a founded report: • Added three provisions that support a founded disposition: <ul style="list-style-type: none"> ○ Acceptance into an accelerated rehabilitative disposition program ○ A consent decree entered in a juvenile proceeding, finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent ○ A final protection from abuse order has been granted which must meet four conditions including: <ul style="list-style-type: none"> ▪ Only one individual is charged with the abuse in the protection from abuse action ▪ Only that individual defends against the charge ▪ The adjudication involves the same factual circumstances involved in the allegation of child abuse; and ▪ The protection from abuse adjudication finds that the child abuse occurred • Clarified that a judicial adjudication based on a finding that a child who is a subject of the report has been abused, includes: <ul style="list-style-type: none"> ○ Dependency ○ Finding of delinquency 	<p>Act 108 of 2013 effective 12/31/14</p> <p>Act 44 of 2014 effective 12/31/14</p>

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			<p>child who was found to be delinquent</p> <p>(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</p> <p>(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 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</p> <p>(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</p>		

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			protection from abuse order and: (i) only one individual is charged with the abuse in the protection from abuse action; (ii) only that individual defends against the charge; (iii) the adjudication involves the same factual circumstances involved in the allegation of child abuse; and (iv) the protection from abuse adjudication finds that the child abuse occurred		
Founded report for school employee	§6303(a) of Title 23 DELETED by Act 45 of 2014	A report under Subchapter C.1 (relating to students in public and private schools) if there has been any judicial adjudication based on a finding that the victim has suffered serious bodily injury or sexual abuse or exploitation, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the	NA	<ul style="list-style-type: none"> • Deleted by amendment • School employees no longer distinguished from other perpetrators in founded reports 	Act 45 of 2014 effective 12/31/14

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Indicated report	§6303(a) of Title 23 AMENDED by Act 108 of 2013	allegations of the report A child abuse report made pursuant to this chapter if an investigation by the county agency or the Department of Public Welfare determines that substantial evidence of the alleged abuse exists based on any of the following: (1) Available medical evidence (2) The child protective services investigation (3) An admission of the acts of abuse by the perpetrator	(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the Department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following: (i) Available medical evidence (ii) The child protective service investigation (iii) An admission of the acts of abuse by the perpetrator (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 (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	<ul style="list-style-type: none"> • Added provision for indicating a child abuse report regardless of the number of alleged perpetrators • Added provision for indicating a child abuse report with an unknown perpetrator if: <ul style="list-style-type: none"> ○ There is substantial evidence of abuse by a perpetrator ○ The county agency is unable to identify the specific perpetrator ○ Multiple perpetrators • Changed Department of Public Welfare to “the department” 	Act 108 of 2013 effective 12/31/14

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Indicated report for school employee	§6303(a) of Title 23 DELETED by Act 44 of 2014	A report made under Subchapter C.1 (relating to students in public and private schools) if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on any of the following: (1) Available medical evidence (2) The county agency's investigation (3) An admission of the acts of abuse by the school employee	NA	<ul style="list-style-type: none"> • Deleted by amendment • School employees no longer distinguished from other perpetrators in indicated reports 	Act 44 of 2014 effective 12/31/14
Perpetrator	§6303(a) of Title 23 AMENDED by Act 117 of 2013, Act 15 of 2015, and Act 115 of 2016	A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, and individual residing in the same home as the child or a paramour of a child's parent	A person who has committed child abuse as defined in this section. The following shall apply: (1) The term includes only the following: (i) A parent of the child (ii) A spouse or former spouse of the child's parent (iii) A paramour or former paramour of the child's parent (iv) A person 14 years of age or older and responsible	<ul style="list-style-type: none"> • Added: <ul style="list-style-type: none"> ○ Former spouses and former paramours of the child's parent • Changed failures to act to exclude 14-18 year olds who are not parents • Please see changes to the definition of child abuse 	Act 117 of 2013 effective 12/31/14 Act 15 of 2015 effective 7/1/15 Act 115 of 2016 effective 10/28/16

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			<p>for the child’s welfare or having direct contact with children as an employee of child care services, a school or through a program, activity of service</p> <p>(v) An individual 14 years of age or older who resides in the same home as the child.</p> <p>(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</p> <p>(vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).</p> <p>(2) Only the following may be considered a perpetrator for failing to act, as provided in</p>		

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			this section: (i) A parent of the child (ii) A spouse or former spouse of the child's parent (iii) A paramour or former paramour of the child's parent (iv) A person 18 years of age or older and responsible for the child's welfare (v) A person 18 years of age or older who resides in the same home as the child		
Subject of the report	§6303(a) of Title 23 AMENDED by Act 45 of 2014	Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator or school employee named in a report made to the Department of Public Welfare or a county agency under this chapter.	Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator [or school employee named] in a report made to the Department or a county agency under this chapter.	<ul style="list-style-type: none"> • Added school employees • Changed Department of Public Welfare to “the department” 	Act 45 of 2014 effective 12/31/14
Child abuse	§6303(b) of Title 23 DELETED by Act 108 of 2013 §6303(b.1) of Title 23	(b) Child abuse. — (1) The term “child abuse” shall mean any of the following: (i) Any recent act or failure to act by a perpetrator which causes	(b.1) Child abuse.--The term “child abuse” shall mean intentionally, knowingly or recklessly doing any of the following: (1) Causing bodily injury to a child through any recent	<ul style="list-style-type: none"> • Added “restatement of culpability” to include: <ul style="list-style-type: none"> ○ Child abuse disposition requires 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” • Changed “serious physical injury” to “bodily injury” • Added: “Fabricating, feigning, or intentionally 	Act 108 of 2013 effective 12/31/14 Act 115 of 2016 effective 10/28/2016

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	<p>AMENDED by Act 108 of 2013 and Act 115 of 2016</p>	<p>nonaccidental serious physical injury to a child under 18 years of age (ii) An act or failure to act which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age (iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk or serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s functioning (2) No child shall be deemed to be physically or mentally</p>	<p>act or failure to act (2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which 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</p>	<p>exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment through a recent act”</p> <ul style="list-style-type: none"> • Changed “cause” mental injury to “substantially contribute to” • Added: “Reasonable likelihood of bodily injury” and “likelihood of sexual abuse or exploitation” • Deleted “imminent risk” • Added: “Certain acts which in of themselves equate to child abuse regardless of whether an injury resulted” • See changes to definition of “serious physical neglect” • Applies recent act provision to: <ul style="list-style-type: none"> ○ Bodily injury ○ Likelihood of bodily injury ○ Fabricating, etc. • Applies failure to act provision to: <ul style="list-style-type: none"> ○ Bodily injury ○ Serious mental injury ○ Sexual abuse or exploitation ○ Likelihood of bodily injury ○ Likelihood of sexual abuse or exploitation ○ Causing the death of a child • Moved exclusions provisions to section 6304 	

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		<p>abused based upon injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child’s welfare, such as inadequate housing, furnishings, incoming, clothing and medical care.</p> <p>(3) If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs or the child’s parents, guardian or person responsible for the child’s welfare, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child’s life or long-term health. In cases involving religious circumstances, all</p>	<p>following recent acts:</p> <p>(i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child</p> <p>(ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement</p> <p>(iii) Forcefully shaking a child under one year of age</p> <p>(iv) Forcefully slapping or otherwise striking a child under one year of age</p> <p>(v) Interfering with the breathing of a child</p> <p>(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</p>		

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		<p>correspondence with a subject of the report and the records of the Department of Public Welfare and the county agency shall not reference "child abuse" and shall acknowledge the religious bases for the child's condition, and the family shall be referred for general protective services, if appropriate.</p>	<p>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</p>		

Comparison Chart:
Definitions Related to Dispositions

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			<p>be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors</p> <p>(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions)</p> <p>(9) Causing the death of the child through any act or failure to act</p> <p>(10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).</p> <p>(c) Restatement of culpability.--Conduct that causes injury or harm to a</p>		

Comparison Chart:
Definitions Related to Dispositions

Issue	Code	Old	New	Description	Effective Date
			<p>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</p> <p>(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)</p>		