

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
Accepted for service	§6303(a) of Title 23 is NOT CHANGED	Decide on the basis of the needs and problems of an individual to admit or receive the individual as a client of the agency or as required by a court order entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters)	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Adult	§6303(a) of Title 23 ADDED by Act 33 of 2014	NA	An individual 18 years of age or older	<ul style="list-style-type: none"> Added a definition for “adult” 	Act 33 of 2014 effective 12/31/14
Adult family member	§6303(a) of Title 23 ADDED by Act 15 of 2015	NA	A person 18 years of age or older who has the responsibility to provide care or services to an individual with an intellectual disability or chronic psychiatric disability	<ul style="list-style-type: none"> Added a definition for “adult family member” 	Act 15 of 2015 effective 7/1/15
Bodily injury	§6303(a) of Title 23 ADDED by Act 108 of 2013	NA	Impairment of physical condition or substantial pain	<ul style="list-style-type: none"> Added a definition for “bodily injury” Lowers the threshold from ‘severe pain’ to ‘substantial pain’ 	Act 108 of 2013 effective 12/31/14
Child	§6303(a) of Title 23 AMENDED	Includes a newborn	An individual under 18 years of age	<ul style="list-style-type: none"> Changed language to “an individual under 18 years of age” 	Act 108 of 2013 effective

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	by Act 108 of 2013				12/31/14
Child abuse	See §6303(b) below	-	-	-	12/31/14
Child-care services	§6303(a) of Title 23 AMENDED by Act 119 of 2013, Act 29 of 2014, Act 153 of 2014, and Act 15 of 2015	Child day-care centers, group and family day-care homes, foster homes, adoptive parents, boarding homes for children, juvenile detention center services or programs for delinquent or dependent children; mental health, mental retardation, early intervention and drug and alcohol services for children; and other child-care services which are provided by or subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with these departments or a county social services agency. The	Includes any of the following: (1) Child day-care centers (2) Group day-care homes (3) Family child-care homes (4) Foster homes (5) Adoptive parents (6) Boarding homes for children (7) Juvenile detention center services or programs for delinquent or dependent children (8) Mental health services for children (9) Services for children with intellectual disabilities (10) Early intervention services for children (11) Drug and alcohol services for children (12) Day-care services or programs that are offered by a school (13) Other child-care	<ul style="list-style-type: none"> Added daycare services or other programs offered by a school Changed Department of Public Welfare to “the department” 	Act 119 of 2013 effective 12/31/14 Act 29 of 2014 effective 12/31/14 Act 153 of 2014 effective 12/31/14 Act 15 of 2015 effective 7/1/2015

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		term does not include such services or programs which may be offered by public and private schools, intermediate units or area vocational-technical schools	<p>services that are provided by or subject to approval, licensure, registration or certification by the Department or a county social services agency or that are provided pursuant to a contract with the Department or a county social services agency</p> <p>The term does not apply to services provided by administrative or other support personnel unless the administrative or other support personnel have direct contact with children.</p>		
Child Protective Services	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	Those services and activities provided by the Department of Public Welfare and each county agency for child abuse cases	Those services and activities provided by the Department and each county agency for child abuse cases	<ul style="list-style-type: none"> • Changed Department of Public Welfare to “the department” 	Act 153 of 2014 effective 12/31/14
Children's advocacy center	§6303(a) of Title 23 is NOT CHANGED	A local public agency in this Commonwealth or a not-for-profit entity incorporated in this Commonwealth which: (1) is tax exempt under section 501(c)(3) of the	<Same as old law>	<ul style="list-style-type: none"> • No change 	NA

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		Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)); and (2) operates within this Commonwealth for the primary purpose of providing a child-focused, facility-based program dedicated to coordinating a formalized multidisciplinary response to suspected child abuse that, at a minimum, either onsite or through a partnership with another entity or entities, assists county agencies, investigative teams and law enforcement by providing services, including forensic interviews, medical evaluations, therapeutic interventions, victim support and advocacy, team case reviews and a system for case tracking			
Cooperation with an investigation or assessment	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	Includes, but is not limited to, a school or school district which permits authorized personnel from the Department of	Includes, but is not limited to, a school or school district which permits authorized personnel from the Department or county	<ul style="list-style-type: none"> • Changed Department of Public Welfare to “the department” 	Act 153 of 2014 effective 12/31/14

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		Public Welfare or county agency to interview a student while the student is in attendance at school	agency to interview a student while the student is in attendance at school		
County agency	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code	The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the Department under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code	<ul style="list-style-type: none"> Changed Department of Public Welfare to “the department” 	Act 153 of 2014 effective 12/31/14
Department	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	The Department of Public Welfare of the Commonwealth	The Department of Human Service of the Commonwealth	<ul style="list-style-type: none"> Changed Department of Public Welfare to “The Department of Human Services of the Commonwealth” 	Act 153 of 2014 effective 12/31/14
Direct contact with children	§6303(a) of Title 23 ADDED by Act 33 of 2014	NA	The care, supervision, guidance or control of children, or routine interaction with children	<ul style="list-style-type: none"> Added a definition for “direct contact with children” 	Act 33 of 2014 effective 12/31/14
Direct volunteer contact	§6303(a) of Title 23 ADDED by	NA	The care, supervision, guidance or control of children and routine	<ul style="list-style-type: none"> Added a definition for “direct volunteer contact” 	Act 15 of 2015 effective

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	Act 15 of 2015		interaction with children		7/1/15
Education enterprise	§6303(a) of Title 23 ADDED by Act 15 of 2015	NA	An educational activity in this Commonwealth: (1) for which college credits or continuing education units are awarded, continuing professional education is offered or tuition or fees are charged or collected (2) that is sponsored by a corporation, entity or institution that is incorporated or authorized by other means in a state other than this Commonwealth and is approved and authorized to operate in this Commonwealth under 15 Pa. C.S. Pt. II Subpt. B (relating to business corporations) or C (relating to nonprofit corporations) and 24 Pa. C.S. Ch. 65 (relating to private colleges, universities and seminaries)	<ul style="list-style-type: none"> Added a definition for “education enterprise” 	Act 15 of 2015 effective 7/1/15

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Issue	Code	Old	New	Description	Effective Date
Electronic technologies	§6303(a) of Title 23 ADDED by Act 29 of 2014	NA	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	<ul style="list-style-type: none"> Added a definition for “electronic technologies” 	Act 29 of 2014 effective 12/31/14
Expunge	§6303(a) of Title 23 is NOT CHANGED	To strike out or obliterate entirely so that the expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Family child-care home	§6303(a) of Title 23 ADDED by Act 15 of 2015	NA	A residence where child day care is provided at any time to no less than four children and no more than six children who are not relatives of the caregiver	<ul style="list-style-type: none"> Added definition for “family child-care home” 	Act 15 of 2015 effective 7/1/15
Family members	§6303(a) of Title 23 is NOT CHANGED	Spouses, parents and children or other persons related by consanguinity or affinity	<Same as old law>	<ul style="list-style-type: none"> No change 	NA

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Issue	Code	Old	New	Description	Effective Date
Founded report	§6303(a) of Title 23 AMENDED by Act 108 of 2013 and Act 44 of 2014	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	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	<ul style="list-style-type: none"> • This section was 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 	<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>finding that the child who is the subject of the report has been abused by the 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</p>	<p>allegation of child abuse; and</p> <ul style="list-style-type: none"> ▪ The protection from abuse adjudication finds that the child abuse occurred <ul style="list-style-type: none"> • 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 	

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			<p>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:</p> <ul style="list-style-type: none"> (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	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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		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 allegations of the report			
General Protective Services	§6303(a) of Title 23 AMENDED by Act 44 of 2014	Those services and activities provided by each county agency for nonabuse cases requiring protective services, as defined by the Department of Public Welfare in regulations	Those services and activities provided by each county agency for cases requiring protective services, as defined by the department in regulations	<ul style="list-style-type: none"> • Changed language from “nonabuse cases” to “cases requiring protective services” 	Act 44 of 2014 effective 12/31/14
Health care facility	§6303(a) of Title 23 ADDED by Act 33 of 2014	NA	<p>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.</p> <p><i>“...A health care facility includes, but is not limited to, a general chronic disease or other type of hospital, a home health care agency, a home care agency, a hospice, a long-term care nursing facility,</i></p>	<ul style="list-style-type: none"> • Added a definition for “health care facility” • The definition includes, but is not limited to: <ul style="list-style-type: none"> ○ A general, chronic disease or other type of hospital, ○ A home health care agency, a home care agency, a hospice, ○ A long-term care nursing facility, ○ Cancer treatment centers using radiation therapy on an ambulatory basis, an 	Act 33 of 2014 effective 12/31/14

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Issue	Code	Old	New	Description	Effective Date
			<p><i>cancer treatment centers using radiation therapy on an ambulatory basis, an ambulatory surgical facility, a birth center regardless of whether such health care facility is operated for profit, nonprofit, or by an agency of the Commonwealth or local government. The department shall have the authority to license other health care facilities as may be necessary due to emergence of new modes of health care...The term health care facility shall not include an office used primarily for the private practice of a health care practitioner, nor a program which renders treatment or care for drug or alcohol abuse or dependence unless located within a health facility, nor a facility providing treatment solely on the basis of prayer or spiritual means. The term health care facility shall not apply to a facility which is</i></p>	<p>ambulatory surgical facility,</p> <ul style="list-style-type: none"> ○ A birth center regardless of whether such health care facility is operated for profit, nonprofit or by an agency of the Commonwealth or local government ● It further states that the term health care facility shall not include: <ul style="list-style-type: none"> ○ An office used primarily for the private practice of neither a health care practitioner, ○ A program which renders treatment or care for drug or alcohol abuse or dependence unless located within a health facility, ○ A facility providing treatment solely on the basis of prayer or spiritual means, ○ A facility which is conducted by a religious organization for the purpose of providing health care services exclusively to clergy or other persons in a religious profession who are members of a religious denomination 	

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			<p><i>conducted by a religious organization for the purpose of providing health care services exclusively to clergymen or other persons in a religious profession who are members of a religious denomination”</i></p>		
<p>Health care provider</p>	<p>§6303(a) of Title 23 ADDED by Act 4 of 2014</p>	<p>NA</p>	<p>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</p>	<ul style="list-style-type: none"> • Added a definition for “health care provider” • The definition includes: <ul style="list-style-type: none"> ○ A licensed hospital or health care facility ○ A person who is licensed, certified, or otherwise regulated to provide health care services 	<p>Act 4 of 2014 effective 4/22/14</p>
<p>Immediate vicinity</p>	<p>§6303(a) of Title 23</p>	<p>NA</p>	<p>An area in which an individual is physically</p>	<ul style="list-style-type: none"> • Added a definition for “immediate vicinity” 	<p>Act 15 of 2015</p>

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	ADDED by Act 15 of 2015		present with a child and can see, hear, direct and assess the activities of the child		effective 7/1/15
Independent contractor	§6303(a) of Title 23 ADDED by Act 33 of 2014 and AMENDED by Act 15 of 2015	NA	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 apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children	<ul style="list-style-type: none"> • Added a definition for “independent contractor” • The definition includes an individual who provides: <ul style="list-style-type: none"> ○ Program, activity, or service to an <ul style="list-style-type: none"> ▪ Agency ▪ Institution ▪ Organization ▪ Other entity ▪ Including a school or regularly established religious organization that is responsible for the: <ul style="list-style-type: none"> ▪ Care ▪ Supervision ▪ Guidance, or ▪ Control of children ○ Does not include individuals who have no direct contact with children • *See “Direct contact with children,” defined above 	Act 33 of 2014 effective 12/31/14 Act 15 of 2015 effective 7/1/2015
Indicated report	§6303(a) of Title 23 AMENDED by Act 108	A child abuse report made pursuant to this chapter if an investigation by the county agency or the	(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an	<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 	Act 108 of 2013 effective 12/31/14

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	of 2013 and by Act 153 of 2014	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, and (3) An admission of the acts of abuse by the perpetrator	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	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 <ul style="list-style-type: none"> ● Changed Department of Public Welfare to "the department" 	Act 153 of 2014 effective 12/31/14
Indicated report for	§6303(a) of Title 23	A report made under Subchapter C.1 (relating	NA	<ul style="list-style-type: none"> ● Deleted by amendment ● School employees no longer 	Act 44 of 2014

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school employee	DELETED by Act 44 of 2014	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		distinguished from other perpetrators in indicated reports	effective 12/31/14
Individual residing in the same home as the child	§6303(a) of Title 23 DELETED by Act 44 of 2014	An individual who is 14 years of age or older and who resides in the same home as the child	NA	<ul style="list-style-type: none"> Deleted by amendment Please see the amended definition of perpetrator 	Act 44 of 2014 effective 12/31/14
Institution of higher education	§6303(a) of Title 23 ADDED by Act 15 of 2015	NA	Any of the following: (1) 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 act of August 24, 1963	<ul style="list-style-type: none"> Added definition for “institution of higher education” 	Act 15 of 2015 effective 7/1/15

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			<p>(P.L.1132, No. 484), known as the Community College Act of 1963</p> <p>(2) An independent institution of higher education which is an institution of higher education 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,” “university” or “seminary” as provided for by standards and qualifications prescribed by the State Board of Education under 24 Pa.C.S. Ch. 65.</p> <p>(3) A State-owned institution</p> <p>(4) A State-related institution</p>		

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			(5) An education enterprise		
Intentionally	§6303(a) of Title 23 ADDED by Act 108 of 2013	NA	<p>The term shall have the same meaning as provided in 18 Pa.C.S. § 302 (relating to general requirements of culpability)</p> <p><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>	<ul style="list-style-type: none"> • Added a definition for “intentionally” <ul style="list-style-type: none"> ○ An act that is done “for the purpose of causing” the type of harm that resulted Birl v. Phil. Elec. Co. 402 Pa. 297 (1960) 	Act 108 of 2013 effective 12/31/14
Knowingly	§6303(a) of Title 23 ADDED by Act 108 of 2013	NA	<p>The term shall have the same meaning as provided in 18 Pa.C.S. § 302 (relating to general requirements of culpability)</p> <p><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</i></p>	<ul style="list-style-type: none"> • Added a definition for “knowingly” <ul style="list-style-type: none"> ○ Understanding that the harm is “practically certain to result” 	Act 108 of 2013 effective 12/31/14

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			<i>such a result. 18 Pa.C.S. § 302 (relating to general requirements of culpability)</i>		
Law enforcement official	§6303(a) of Title 23 ADDED by Act 29 of 2014	NA	The term includes the following: (1) The Attorney General (2) A Pennsylvania district attorney (3) A Pennsylvania State Police officer (4) A municipal police officer	<ul style="list-style-type: none"> Added a definition for “law enforcement official” 	Act 29 of 2014 effective 12/31/14
Mandated reporter	§6303(a) of Title 23 ADDED by Act 29 of 2014 and Act 33 of 2014 ADDED by §6303(a) of Title 23	NA	A person who is required by this chapter to make a report of suspected child abuse	<ul style="list-style-type: none"> Added a definition for “mandated reporter” Refers to those individuals required to report suspected child abuse in accordance with § 6311 Please reference the Reporting Comparison Chart for more information 	Act 29 of 2014 effective 12/31/14 Act 33 of 2014 effective 12/31/14
Matriculated student	§6303(a) of Title 23 ADDED by Act 15 of 2015	NA	A student who is enrolled in an institution of higher education and pursuing a program of study that results in a postsecondary credential, such as a certificate, diploma or degree	<ul style="list-style-type: none"> Added a definition for “matriculated student” 	Act 15 of 2015 effective 7/1/15
Near fatality	§6303(a)	An act that, as certified by	A child's serious or critical	<ul style="list-style-type: none"> Added “where that child is a subject 	Act 44 of

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	of Title 23 AMENDED by Act 44 of 2014	a physician, places a child in serious or critical condition	condition, as certified by a physician, where that child is a subject of the report of child abuse	of the report of child abuse”	2014 effective 12/31/14
Newborn	§6303(a) of Title 23 is NOT CHANGED	As defined in section 6502 (relating to definitions)	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Nonaccidental	§6303(a) of Title 23 DELETED by Act 108 of 2013	An injury that is the result of an intentional act that is committed with disregard of a substantial and unjustifiable risk	NA	<ul style="list-style-type: none"> Deleted by amendment Please see “Restatement of Culpability” in the “Child Abuse” definition Please also see the definitions of “Knowingly,” “Recklessly,” and “Intentionally” 	Act 108 of 2013 effective 12/31/14
Parent	§6303(a) of Title 23 ADDED by Act 108 of 2013	NA	A biological parent, adoptive parent or legal guardian	<ul style="list-style-type: none"> Added a definition for “parent” to include: <ul style="list-style-type: none"> Biological parent Adoptive parent, or Legal guardian 	Act 108 of 2013 effective 12/31/14
Perpetrator	§6303(a) of Title 23 AMENDED by Act 117 of 2013, Act 15 of 2015, and Act 115 of	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	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	<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

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	2016	parent	parent (iii) A paramour or former paramour of the child's parent (iv) A person 14 years of age or older and responsible 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 or service (v) An individual 14 years of age or older who resides in the same home as the child (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 (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		7/1/2015 Act 115 of 2015 effective 10/28/16

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			<p>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 this section:</p> <ul style="list-style-type: none"> (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 		
Person affiliated with	§6303(a) of Title 23 ADDED by Act 33 of 2014	NA	A person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person	<ul style="list-style-type: none"> • Added a definition for “person affiliated with” 	Act 33 of 2014 effective 12/31/14
Person	§6303(a) of	A person who provides	A person who provides permanent or temporary	<ul style="list-style-type: none"> • Added 	Act 117 of

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Issue	Code	Old	New	Description	Effective Date
responsible for the child's welfare	Title 23 AMENDED by Act 117 of 2013 and Act 15 of 2015	<p>permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control</p> <p>The term does not include a person who is employed by or provides services or programs in any public or private school, intermediate unit or area vocational-technical school</p>	care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control	<ul style="list-style-type: none"> ○ Programs, activities and services sponsored by a school, for-profit organization, or religious or other not-for-profit organization ○ Paid and unpaid positions ● Please see the definition for "Direct Contact with Child" 	<p>2013 effective 12/31/14</p> <p>Act 15 of 2015 effective 7/1/2015</p>
Police department	§6303(a) of Title 23 is ADDED by Act 91 of 2014	NA	A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of criminal or traffic laws	<ul style="list-style-type: none"> ● Added a definition for "police department" 	Act 91 of 2014 effective 12/31/14
Police officer	§6303(a) of Title 23 is ADDED by Act 91 of 2014	NA	A full-time or part-time employee assigned to criminal or traffic law enforcement duties of a police department of a county, city, borough, town or township. The term also includes a member of the	<ul style="list-style-type: none"> ● Added a definition for "police officer" 	Act 91 of 2014 effective 12/31/14

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			State Police Force		
Police station	§6303(a) of Title 23 is ADDED by Act 91 of 2014	NA	The station or headquarters of a police department or a Pennsylvania State Police station or headquarters	<ul style="list-style-type: none"> Added a definition for “police station” 	Act 91 of 2014 effective 12/31/14
Private agency	§6303(a) of Title 23 is NOT CHANGED	A children and youth social service agency subject to the requirements of 55 Pa. Code Ch. 3680 (relating to administration and operation of a children and youth social service agency)	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Program, activity, or service	§6303(a) of Title 23 ADDED by Act 33 of 2014 and AMENDED by Act 15 of 2015	NA	Any of the following in which children participate and which is sponsored by a school or a public or private organization: (1) A youth camp or program (2) A recreational camp or program (3) A sports or athletic program (4) A community or social outreach program (5) An enrichment program (6) A troop, club or similar	<ul style="list-style-type: none"> Added a definition for “program, activity, or service” 	Act 33 of 2014 effective 12/31/14 Act 15 of 2015 effective 7/1/2015

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			organization		
Protective Services	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	Those services and activities provided by the Department of Public Welfare and each county agency for children who are abused or are alleged to be in need of protection under this chapter	Those services and activities provided by the Department and each county agency for children who are abused or are alleged to be in need of protection under this chapter	<ul style="list-style-type: none"> Changed Department of Public Welfare to “the department” 	Act 153 of 2014 effective 12/31/14
Recent act	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	Any act committed within two years of the date of the report to the Department of Public Welfare or county agency	Any act committed within two years of the date of the report to the Department or county agency	<ul style="list-style-type: none"> Changed Department of Public Welfare to “the department” 	Act 153 of 2014 effective 12/31/14
Recent act or failure to act	§6303(a) of Title 23 AMENDED by Act 108 of 2013 and by Act 153 of 2014	“Recent acts or omissions.” Acts or omissions committed within two years of the date of the report to the Department of Public Welfare or county agency	“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 or county agency	<ul style="list-style-type: none"> Language changed from “Acts or omissions,” to “Any act or failure to act” Changed Department of Public Welfare to “the department” 	Act 108 of 2013 effective 12/31/14 Act 153 of 2014 effective 12/31/14
Recklessly	§6303(a) of Title 23 ADDED by Act 108 of 2013	NA	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</i>	<ul style="list-style-type: none"> Added a definition for “recklessly” <ul style="list-style-type: none"> Recklessly: Conscious disregard for foreseeable risk 	Act 108 of 2013 effective 12/31/14

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p><i>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>Resource family</p>	<p>§6303(a) of Title 23 is NOT CHANGED</p>	<p>A family which provides temporary foster or kinship care for children who need out-of-home placement and may eventually provide permanency for those children, including an adoptive family</p>	<p><Same as old law></p>	<ul style="list-style-type: none"> • No change 	<p>NA</p>

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
Risk assessment	§6303(a) of Title 23 is NOT CHANGED	A Commonwealth-approved systematic process that assesses a child's need for protection or services based on the risk of harm to the child	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Routine interaction	§6303(a) of Title 23 ADDED by Act 15 of 2015	NA	Regular or repeated contact that is integral to a person's employment or volunteer responsibilities	<ul style="list-style-type: none"> Added a definition for "routine interaction" 	Act 15 of 2015 effective 7/1/15
Safety assessment	§6303(a) of Title 23 ADDED by Act 4 of 2014	NA	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	<ul style="list-style-type: none"> Added a definition for "safety assessment" This definition codifies Pennsylvania's Safety Assessment and Management Process 	Act 4 of 2014 effective 4/22/14
School	§6303(a) of Title 23 ADDED by Act 33 of 2014 and Act 44 of 2014 and AMENDED by Act 15 of 2015	NA	A facility providing elementary, secondary or postsecondary educational services. The term includes the following: (1) Any school of a school district (2) An area vocational-technical school (3) A joint school (4) An intermediate unit. (5) A charter school or regional charter school (6) A cyber charter school (7) A private school	<ul style="list-style-type: none"> Added a definition for "school" <ul style="list-style-type: none"> Includes colleges and universities 	Act 33 of 2014 effective 12/31/14 Act 44 of 2014 effective 12/31/14 Act 15 of 2015 effective 7/1/15

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act (8) A private school accredited by an accrediting association approved by the State Board of Education (9) A nonpublic school (10) An institution of higher education (11) (Deleted by amendment) (12) (Deleted by amendment) (13) (Deleted by amendment) (14) A private school licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act (15) Hiram G. Andrews Center (16) A private residential rehabilitative institution as defined in section 914.1-A(c) of the Public School Code of 1949		
School	§6303(a) of	An individual employed by	An individual who is	<ul style="list-style-type: none"> • Clarified that school employees 	Act 33 of

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
employee	Title 23 AMENDED by Act 33 of 2014, Act 44 of 2014, and Act 15 of 2015	a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.	employed by a school or who provides a program, activity or service sponsored by a school. The term includes an independent contractor and employees. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children	includes: <ul style="list-style-type: none"> ○ People directly employed by the school ○ Independent contractors ○ Individuals who provide a program, activity, or service sponsored by the school <ul style="list-style-type: none"> ● The term excludes individuals who have no direct contact with children 	2014 effective 12/31/14 Act 44 of 2014 effective 12/31/14 Act 15 of 2015 effective 7/1/15
Secretary	§6303(a) of Title 23 is AMENDED by Act 153 of 2014	The Secretary of Public Welfare of the Commonwealth	The Secretary of Human Services of the Commonwealth	<ul style="list-style-type: none"> ● Changed Department of Public Welfare to “the department” 	Act 153 of 2014 effective 12/31/14
Serious bodily injury	§6303(a) of Title 23 is NOT CHANGED	Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ	<Same as old law>	<ul style="list-style-type: none"> ● No change 	NA
Serious mental injury	§6303(a) of Title 23 is NOT CHANGED	A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate	<Same as old law>	<ul style="list-style-type: none"> ● No change 	NA

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		treatment, that: (1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or (2) seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks			
Serious physical injury	§6303(a) of Title 23 DELETED by Act 108 of 2013	An injury that: (1) causes a child severe pain; or (2) significantly impairs a child's physical functioning, either temporarily or permanently	NA	<ul style="list-style-type: none"> • Deleted by amendment • Please refer to the definition for "bodily injury" 	Act 108 of 2013 effective 12/31/14
Serious physical neglect	§6303(a) of Title 23 ADDED by Act 108 of 2013 and AMENDED by Act 45 of 2014	[Formerly under the definition of child abuse in §6303(b)] Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of	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: (1) A repeated,	<ul style="list-style-type: none"> • Moved, amended, and added to the definition for "serious physical neglect" • Identifies two categories: <ul style="list-style-type: none"> ○ Failure to supervise ○ Failure to provide • Added: It is serious physical neglect if a perpetrator's failure to supervise or provide: 	Act 108 of 2013 effective 12/31/14 Act 45 of 2014 effective 12/31/14

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning	prolonged or unconscionable egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities. (3) The failure to provide a child with adequate essentials of life, including food, shelter or medical care	<ul style="list-style-type: none"> ○ Endangers a child's health; ○ Threatens their well-being; ○ Causes bodily injury; or ○ Impairs a child's health or development ● Added: A one-time event that is so "egregious" that the child's health or development has been impacted 	
Sexual abuse or exploitation	§6303(a) of Title 23 AMENDED by Act 108 of 2013	Any of the following: (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 (2) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer	Any of the following: (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: (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 (ii) Participating in sexually explicit conversation either in	<ul style="list-style-type: none"> ● Reorganized and clarified that sexual abuse and exploitation includes: <ul style="list-style-type: none"> ○ Looking at sexual or intimate parts of a child for the purpose of arousing or gratifying sexual desire ○ Participating in sexually explicit conversation ○ Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual ● Added: Criminal offenses committed against a child to include: <ul style="list-style-type: none"> ○ Statutory sexual assault ○ Institution sexual assault ○ Indecent assault 	Act 108 of 2013 effective 12/31/14

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		<p>depicting and filming. (3) Any of the following offenses committed against a child:</p> <ul style="list-style-type: none"> (i) Rape (ii) Sexual assault (iii) Involuntary deviate sexual intercourse (iv) Aggravated indecent assault (v) Molestation (vi) Incest (vii) Indecent exposure (viii) Prostitution (ix) Sexual abuse (x) Sexual exploitation 	<p>person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual</p> <ul style="list-style-type: none"> (iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual (iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming. <p>This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age</p> <p>(2) Any of the following offenses committed against</p>	<ul style="list-style-type: none"> ○ Unlawful contact with a minor <p>(These terms are further defined in the criminal code.)</p> <ul style="list-style-type: none"> ● Excluded consensual activities between children 14 years or older, if both children are within four years of each other and the conduct does not include any of the following criminal offenses : <ul style="list-style-type: none"> ○ Rape ○ Statutory sexual assault ○ Involuntary deviate sexual intercourse ○ Sexual assault ○ Institutional sexual assault ○ Aggravated indecent assault ○ Indecent assault ○ Indecent exposure ○ Incest ○ Prostitution ○ Sexual abuse ○ Unlawful contact with a minor ○ Sexual exploitation 	

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			a child: (i) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape) (ii) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault) (iii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) (iv) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault) (v) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault) (vi) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault) (vii) Indecent assault as defined in 18 Pa.C.S. §		

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			3126 (relating to indecent assault) (viii) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure) (ix) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest) (x) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) (xi) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children) (xii) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor) (xiii) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children)		
Student	§6303(a) of Title 23 is NOT CHANGED	An individual enrolled in a public or private school, intermediate unit or area vocational-technical school who is under 18	<Same as old law>	<ul style="list-style-type: none"> No change 	NA

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		years of age			
Subject of the report	§6303(a) of Title 23 AMENDED by Act 45 of 2014 and Act 153 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 Act 153 of 2014 effective 12/31/14
Substantial evidence	§6303(a) of Title 23 is NOT CHANGED	Evidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Substantiated child abuse	§6303(a) of Title 23 is NOT CHANGED	Child abuse as to which there is an indicated report or founded report	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Under investigation	§6303(a) of Title 23 is NOT CHANGED	A child abuse report pursuant to this chapter which is being investigated to determine whether it is "founded," "indicated," or "unfounded"	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Unfounded report	§6303(a) of Title 23 is NOT	Any report made pursuant to this chapter unless the report is a "founded	<Same as old law>	<ul style="list-style-type: none"> No change 	NA

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
	CHANGED	report" or an "indicated report"			
Child abuse	<p>§6303(b) of Title 23 DELETED by Act 108 of 2013</p> <p>§6303(b.1) of Title 23 AMENDED by Act 108 of 2013 and Act 115 of 2016</p>	<p>(b) Child abuse.--</p> <p>(1) The term "child abuse" shall mean any of the following:</p> <p>(i) Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age</p> <p>(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</p> <p>(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</p>	<p>(b.1) Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:</p> <p>(1) Causing bodily injury to a child through any recent act or failure to act</p> <p>(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</p> <p>(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</p> <p>(4) Causing sexual abuse or exploitation of a child through any act or failure to act.</p> <p>(5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.</p>	<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 exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment through a recent act" • 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" 	<p>Act 108 of 2013 effective 12/31/14</p> <p>Act 115 of 2016 effective 10/28/2016</p>

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		<p>a child under 18 years of age</p> <p>(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</p> <p>(2) No child shall be deemed to be physically or mentally 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</p>	<p>(6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.</p> <p>(7) Causing serious physical neglect of a child.</p> <p>(6) Creating a likelihood of sexual abuse or sexual abuse or exploitation of a child through any recent act or failure to act</p> <p>(7) Causing serious physical neglect of a child</p> <p>(8) Engaging in any of the 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</p>	<ul style="list-style-type: none"> • 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 	

Comparison Chart: Definitions

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

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		bases for the child’s condition, and the family shall be referred for general protective services, if appropriate	<p>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</p> <p>(B) Has been determined to 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,</p>		

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p>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 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>		
Exclusions from child abuse	§ 6303(b) (2) and (3) DELETED by Act 108 of	(2) No child shall be deemed to be physically or mentally abused based on injuries that result	(a) Environmental factors.- -No child shall be deemed to be physically or mentally abused based on injuries	Clarified exclusions: <ul style="list-style-type: none"> • Environmental factors do not pertain to any person or entity defined under child care service 	Act 108 of 2013 effective 12/31/14

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
	2013 §6304 of Title 23 ADDED by Act 108 of 2013	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. (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-	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. (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	<p>except an adoptive parent</p> <ul style="list-style-type: none"> • Practice of religious beliefs only apply to caregivers within the third degree of consanguinity and with whom the child resides • Practice of religious beliefs does not apply if the failure to provide needed medical care causes death <p>Added exclusions to include:</p> <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 or for: <ul style="list-style-type: none"> ▪ Quell a disturbance ▪ Remove a child from a disturbance that threatened physical injury to person or damage to property ▪ Prevent the child from self-inflicted physical harm 	

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
		<p>term health. In cases 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>be deemed to be physically or 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</p>	<ul style="list-style-type: none"> ▪ Self-defense or the defense of another person; or ▪ Obtain possession of weapons, dangerous objects, controlled substances or paraphernalia on the child or within their control ▪ Physical contact that occurs during participation in sports or extracurricular activities ▪ 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 	

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p>the death of the child.</p> <p>(5) This subsection shall not apply to any child-care service as defined in this 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</p>	<p>assault and indecent exposure</p> <ul style="list-style-type: none"> ▪ 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 • Added statement regarding parents' rights to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children 	

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p>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 physical harm</p> <p>(iii) for self-defense or the defense of another individual; or</p> <p>(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</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</p>		

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p>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, 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</p>		

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p>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> <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 18 Pa.C.S. § 3126 (relating to</p>		

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Issue	Code	Old	New	Description	Effective Date
			<p>indecent assault) (F) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure) (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. (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</p>		

Comparison Chart: Definitions

Issue	Code	Old	New	Description	Effective Date
			<p style="text-align: center;">nonperpetrator child. (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>		