

Child Abuse and Perpetrator: *What's New?*

Effective as of 12/31/14



Child abuse

The term "child abuse" shall mean *intentionally, knowingly or recklessly* doing any of the following:

- *Terms in red defined on reverse side*
- Causing **bodily injury** to a child through any **recent act or failure to act**.
 - **Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease** that results in a potentially harmful medical evaluation or treatment to the child through any **recent act**.
 - 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**.
 - Causing **sexual abuse or exploitation** of a child through any **act or failure to act**.
 - Creating a **reasonable likelihood of bodily injury** to a child through any **recent act or failure to act**.
 - Creating a likelihood of **sexual abuse or exploitation** of a child through any **recent act or failure to act**.
 - Causing **serious physical neglect** of a child.
 - **Engaging in any of the following recent acts:**
 - Kicking, biting, throwing, burning, stabbing or cutting a child in endangering way.
 - Unreasonably restraining or confining a child, based on consideration of method, location or duration of the restraint or confinement.
 - Forcefully shaking a child under one year of age.
 - Forcefully slapping or otherwise striking a child under one year of age.
 - Interfering with the breathing of a child.
 - Causing a child to be present at a meth lab location under investigation by law enforcement.
 - Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - is required to register as a Tier II or Tier III sexual offender where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - is a sexually violent predator
 - is a sexually violent delinquent child
 - Causing the **death of the child** through any **act or failure to act**.

Perpetrator

Distinguishes between those committing abuse and those failing to act

- **Perpetrator: acts of abuse (commission)**
 - parent of the child
 - spouse or former spouse of the child's parent
 - paramour or former paramour of the child's parent
 - **person 14 or older and responsible for the child's welfare**
 - individual 14 or older who resides in the same home as the child
 - individual 18 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.

• **Perpetrator: failure to act (omission):**

- parent of the child
- a spouse or former spouse
- paramour or former paramour of a parent
- person 18 or older who is **responsible for the child's welfare**
- a person 18 or older who resides in the same home as the child

Definitions

Bodily injury – Impairment of physical condition or substantial pain

Recent act – Any act committed within two years of the date of the report to the PA Department of Human Services or county agency

Serious physical neglect – Any of the following that endangers life or health, threatens well-being, causes bodily injury or impairs a health, development or functioning:

- Repeated, prolonged or unconscionable egregious failure to supervise in a manner appropriate to developmental age and abilities
- Failure to provide adequate essentials of life, including food, shelter or medical care

Person responsible for the child's welfare – Someone who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Includes people who have direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.

Third Degree of Consanguinity (birth) and Affinity (marriage) includes: parents, brothers/sisters; half brothers/half sisters; grandparents; uncles/aunts; great-grandparents; step mothers/fathers; step brothers/sisters; step grandparents; step uncles/step aunts; step great-grandparents

Sexual abuse or exploitation

Any of the following:

- (1) 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 the following acts that arouse or gratify sexual desire in any individual:
 - Looking at the sexual or other intimate parts of a child or another individual
 - Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device
 - Actual or simulated sexual activity or nudity
 - Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming

Paragraph (1) does not include consensual activities between a child who is 14 years or older and another person who is 14 or older and whose age is within four years of the child's age.

- (2) Any of the following offenses committed against a child, as defined in state law: 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.