

Allegheny County Department of Human Services

Office of Children, Youth and Families (CYF)

Current as of December 31, 2014

Terms in **blue ink** are defined in Glossary

CYF 003 – Child Abuse Definition

Child Protective Services Law 23 PA CS§6303

Find the entire law on the Pennsylvania Legislature website. (<http://www.legis.state.pa.us/>) Click on Consolidated Statutes, then search for Title 23, Chapter 63, Section 6303.

As defined by the Pennsylvania Child Protective Services Law (CPSL)

The term child abuse shall mean intentionally, knowingly or recklessly doing any of the following to a child 18 years of age or younger.

- Causing bodily injury to a child through any “**recent act**” or failure to act. (A recent act is considered any act committed within two years of the report to the PA Department of Human Services or county agency.)
- 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.

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.

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 involving religious circumstances, all correspondence with a subject of the report and the records of the PA Department of Public Human Services and the county agency may 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.

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:

- 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.
- The use of reasonable force is necessary:
 - to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property.
 - to prevent the child from self-inflicted physical harm.
 - for self-defense or the defense of another individual.
 - 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.

Additionally, other acts not considered child abuse include the participation in events that involve physical contact with child, child on child contact (where a child involved is not a perpetrator—see below), or the use of force for self-defense or the defense of another individual.

Any person who has committed child abuse as defined in this section is considered a perpetrator. A perpetrator includes the following:

- A parent of the child.
- A spouse or former spouse of the child's parent.
- A paramour or former paramour of the child's parent.
- A person 14 years of age or older and 'responsible for the welfare of a child'.*
- An individual 14 years of age or older who resides in the same home as the child.
- 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.

Additionally, the following may be considered a perpetrator for failing to act:

- A parent of the child.
- A spouse or former spouse of the child's parent.
- A paramour or former paramour of the child's parent.
- A person 18 years of age or older and responsible for the child's welfare.
- A person 18 years of age or older who resides in the same home as the child.

**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.*

Substantiation

Allegations of **child abuse** are substantiated when CYF or Pennsylvania's Department of Human Services determines it is "**indicated**" based on available medical evidence, the Child Protective Service Investigation, or an admission of the acts of abuse by the perpetrator. Child abuse is 'founded' when there is any judicial adjudication based on a finding that a child has been abused, including 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 child abuse. Otherwise, it is known as an "unfounded" report.