Appendix A

DEFINITION OF ABUSE

Definitions of abuse from the Pennsylvania Child Protective Services Law (CPSL [Title 23 PA.C.S. Chapter 63]), as amended December, 2013, to be effective December 31, 2014, as follows:

Intentionally knowingly or recklessly doing any of the following:

1. **Physical abuse** Causing bodily injury through any recent act or failure to act. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act. **Bodily injury** is impairment of physical condition or substantial pain.
   The following are “per se” acts of child abuse (meaning the act itself, apart from the outcome, is considered child abuse).
   - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
   - Unreasonably restraining or confining a child, based on consideration of the method, location or the 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 location while a violation of 18 PA.C.S. §7508.2 (relating to operation of a methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment of the child through any recent act.

3. **Mental abuse** Causing or substantially contributing to serious mental injury to a child through an act or failure to act or a series of such acts or failures to act. **Serious mental injury** is a psychological condition, as diagnosed by a physician or licensed psychologist including the refusal of appropriate 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   (1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child’s life or safety is threatened; or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.

4. **Neglect** Causing serious physical neglect of a child. **Serious physical neglect** is 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, prolonged or unconscionable egregious failure to supervise a child in a manner that is appropriate considering the child’s developmental age and abilities.
   (2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

5. Causing the death of the child through any act or failure to act.

6. **Sexual abuse** Causing sexual abuse or exploitation of a child through any act or failure to act. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act. **Sexual abuse or exploitation** is 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 person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(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.

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.

The following are per se acts of child abuse:

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 under 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.

- has been determined to be a sexually violent predator under 42 PA.C.S. §9799.24 (relating to assessments) or any of its predecessors.

- has been determined to be a sexually violent delinquent child as defined in 42 PA.C.S. §9799.12 (relating to definitions).

Any of the following offenses committed against a child (Criminal code):

(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. §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 a minor).

(xiii) Sexual exploitation, as defined in 18 PA.C.S. §6320 (relating to sexual exploitation of children).

Any recent act or failure to act is defined as occurring within the last two years.