

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 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 to 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 - (1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or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 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.
- 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 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.

DEFINITIONS OF ABUSE CONTINUED

The definition of child abuse has been amended to require that acts or failures to act be committed intentionally, knowingly, or recklessly.

Includes knowingly, recklessly, or intentionally committing acts of child abuse or failing to act when child abuse is being committed;

A person **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 such a result.

A person acts **recklessly** 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.

A person acts **intentionally** when they consciously engage in conduct of that nature or cause such a result are aware of such circumstances or believe or hope that they exists.

SERIOUS PHYSICAL NEGLECT:

Serious physical neglect was expanded to include egregious (shocking, appalling, terrible) behavior which would include situations when the behavior might have only occurred one time, but is bizarre or unimaginable and created one of the circumstances that would fall under this category of abuse.

PA CHILD PROTECTIVE SERVICES LAW

MANDATED REPORTER

What is a mandated reporter? When an individual's role, paid or unpaid, is an integral part of a regularly scheduled program, activity, or service and accepts responsibility for a child, that individual is a mandated reporter. A minor is not a mandated reporter.

Direct contact: Anyone can report when there is reasonable cause (suspicious or disclosure) to suspect a child is a victim of abuse. Direct contact with a child, who may be a victim of abuse, is not required in order to make a report. You can make a report even if you do not have direct contact. Also, if a person makes a specific disclosure to a mandated reporter that an identifiable child is a victim of child abuse a report must be filed.

Permissive Reporter: Consider each of the categories of mandated reporters before concluding that you are not mandated to report. If, after this consideration, you determine you are not a mandated reporter, then you are a permissive reporter. All persons are encouraged to report to ChildLine when they have reasonable cause to suspect a child is a victim of abuse.

What must they report? When mandated reporters have reasonable cause to suspect that a child is a victim of abuse, they are required to make a report.

Reasonable cause to suspect is more than a hunch. It is a determination you make, based on your knowledge of circumstances, your observations, and your familiarity with the individuals, and your feelings about the incident.

Familiarity: Consider the knowledge you have about, the individuals, the family situation, or relevant history or similar prior incidents.

Observations: Think about, Indicators of abuse or red flags, behavior and demeanor of the child, behavior and demeanor of the adults, and is there any other behavior or other observations important to notice.

Feelings: Think about your feelings and personal biases and consider how they influence your conclusions and actions.

This report is to be made immediately out to ChildLine 1-800-932-0313, or electronically (preferred by mandated reporters) to www.compass.state.pa.us/cwis/public/home. You can then contact or notify your supervisor or leader in the organization. If you talk with your supervisor or leader before reporting, that supervisor or leader may in no way require you not to make a report.

Spiritual Leaders: A clergyman, priest, rabbi, minister, Christian Science practitioner, religious or spiritual leader of any regularly established church or religious organization is a mandated reporter. There is an exception to the clergy mandated reporter in the context of confessions made to a member of the clergy in his or her role as a confessor or spiritual counselor.

Lawyers: An attorney is also a mandated reporter when affiliated with an agency, institution, organization, or other entity including a school or regularly established religious organization that is responsible for the care, supervision or guidance or control of children. Confidential communications made to an attorney continue to be protected under Pa. law. The law explains

When such communication is protected and when suspected child abuse must be reported.

State Board Licensed or state board certified: Persons licensed or certified by state boards in any health related field, schools, child care are mandated reporters.

RECOGNIZING CHILD ABUSE

Protecting our children from abuse and neglect is a shared responsibility that does not solely rest with our government child care agencies. Rather, it requires the collective working together of all entities involved with child care. That means families, churches, schools, ministries, and anyone who has responsibility for the care and guidance of children. We must work together to provide a safe environment for our children to grow and thrive into the man and woman God has designed them to be. We must work together to help each other provide safety nets for children and families that are facing challenges within our communities and neighborhoods.

My first and I believe most important protection for our children is for parents to have an open and close relationship with their children. I believe this is so much more important today, with the low moral conditions of our society and the exploding of social media and technology. Parents you need the hearts of your children. Our children are under attack.

Have age appropriate conversations with your children about healthy relationships and their sexuality. There are resources available to help parents with these conversations.

RECOGNIZING A CHILD INDICATOR OF ABUSE.

The physical signs of abuse include bruises, burns, or broken bones. However, not all signs of abuse, even physical or sexual are apparent. There are also behaviors that may indicate that child abuse has occurred. Many of these indicators may also occur in children who have not been abused and may not be seen in children who have been abused. Use discretion.

There are a variety of ways the trauma of abuse is experienced. We recognize the trauma another person is experiencing by the physical indicators we can see and the behavioral indicators we can experience.

The earlier child abuse is identified, the earlier help can be given to help children and families minimize the long-term effects. Early detection can also help avoid additional incidents of child abuse and decrease further traumatization.

These are considered child abuse even if there is no evidence.

Unreasonable restraining or confining a child. Forcefully shaking a child under one year of age.
Forcefully slapping or striking a child under one year of age.

Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers a child.

There are four different kinds of abuse. They are sexual, physical, mental, and neglect.

For the different kinds of abuse, there are both physical and behavioral indicators. These are indicators and does not always imply abuse.

Here are four categories of abuse. These categories apply up to age 18.

CHILD SEXUAL ABUSE

Note: The sex acts don't actually have to occur. Activities such as talking about, pretending, demonstrating, depicting or modeling would all be considered sexual acts.

Physical Indicators

- Sleep disturbances
- Bed wetting
- Difficulty in walking or sitting
- Difficulty in urinating
- Pregnancy
- Positive testing STD/HIV
- Excessive or injurious masturbation male or female

Behavioral Indicators

- Sexually promiscuous
- Developmental age-inappropriate sexual play and or drawing
- Cruelty to others
- Cruelty to animals
- Fire setting
- Anxious
- Withdrawn

CHILD PHYSICAL ABUSE

Physical Indicators

- Unexplained injuries
- Unbelievable or inconsistent explanation of injuries
- Multiple bruises in various stage of healing
- Bruises located on face, ears, neck, buttocks, back, chest, thighs, back of legs and genitalia
- Bruises that resemble objects such as hand, fist, belt buckle or rope
- Injuries that are inconsistent with a child's age and development level
- Burns

Behavioral Indicators

- Fear of going home
- Extreme apprehensions/vigilance
- Pronounced aggression or passivity
- Flinches easily or avoids being being touched
- Play includes obscene behavior or talk
- Unable to recall how injuries occurred or account of injuries is inconsistent with nature of injuries

CHILD MENTAL ABUSE

Physical Indicator

- Frequent complain

Behavioral Indicators

- Expresses feelings of inadequacy

Nausea, stomachache, headache, etc.
Bed wetting
Self-harm
Speech disorders

Fear of trying new things
Overly compliant
Poor peer relationships
Excessive dependence on adults
Habit disorders (sucking, rocking, etc.)
Eating disorders

CHILD NEGLECT

Physical Indicators

Lack of adequate medical or dental care
Often hungry
Lack of shelter
Child's weight is significantly lower than what is normal for his/her age and gender
Developmental delays
Persistent (untreated conditions, lice, diaper rash)
Exposure to hazards (illegal drugs, rodent/insect Infestation, mold)

Behavioral Indicators

Not registered in school
Inadequate or inappropriate supervision
Poor impulse control
Frequently fatigued
Delinquent behavior
Mistrusting

Clothing that is dirty, inappropriate for weather, too small or too large

The effects of trauma can be long lasting. A report from Child Welfare Information Gateway explains that children who experienced abuse or neglect can suffer from the following long term effects. It does not mean they are forever damaged, however, but needs to be determined early in the abuse.

Physical

Chronic health condition
Impaired brain development

Psychological

Poor emotional health
Cognitive difficulties

Behavioral

Delinquency and criminality
Substance abuse
Social difficulties
Abusive behavior

REASONABLE SUSPICION

Reasonable suspicion is more than a hunch. The Child Protection Services Law states a person only needs to have a reasonable cause to suspect a child is a victim of abuse to make a report. It is a determination you make, based on your knowledge of the circumstances, your observations, your familiarity with the individuals, and your feelings about the incident.

Identify the facts of the incident or pattern of events. What do you know? Consider your observations about, Who, What, How, and When.

Detailed information about the circumstance will be useful to the professionals who receive your report.

RELATING TO EXCLUSIONS: EXCLUSIONS FROM SUBSTANTIATIONS OF CHILD ABUSE.

Exclusion for use of force for supervision, control, and safety purposes applies to parents or persons responsible for the child's welfare (including child care service staff). This exclusion applies as long as:

The use of force is reasonable and constitutes incidental or minor contact with the child to maintain control and order.

The use of force is necessary to:

Quell a disturbance,

To remove a child from a disturbance that threatened physical injury to a person or damage to a property,

To prevent the child from self-inflicted physical harm;

For self-defense or 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 participation in sports or extracurricular activities.

Reiterates that parents have the right to physically discipline their children in accordance with existing law.

Harm or injury to a child that results from the act of another child is not considered abuse and need not be reported to ChildLine unless: The child who caused the injury is a perpetrator; orThe 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.

WHO SHOULD REPORT?

Anyone with reasonable cause to suspect that a child is a victim of abuse should report.

The consequences of not reporting your concerns could seriously endanger a child's safety or even put a child's life at risk.

What if I am not sure whether the signs I see indicate abuse? Report to ChildLine. You are need to have reasonable cause to suspect that a child is a victim of abuse.

Once a report is received, specially trained child welfare professionals determine whether the child is a victim of abuse and what action is necessary to ensure a child's safety and well-being.