

*Glossary*

<b>Word</b>	<b>Definition</b>
<b>Adult</b>	An individual 18 years of age or older. [CPSL]
<b>Bodily injury</b>	Causing bodily injury to a child through any recent act or failure to act. Impairment of physical condition or substantial pain. [CPSL]
<b>Child</b>	An individual under 18 years of age. [CPSL]
<b>Child abuse</b>	<p>The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:</p> <ol style="list-style-type: none"> <li>(1) Causing bodily injury to a child through any recent act or failure to act.</li> <li>(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.</li> <li>(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.</li> <li>(4) Causing sexual abuse or exploitation of a child through any act or failure to act.</li> <li>(5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.</li> <li>(6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.</li> <li>(7) Causing serious physical neglect of a child.</li> <li>(8) Engaging in any of the following recent acts:               <ol style="list-style-type: none"> <li>(i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.</li> <li>(ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.</li> <li>(iii) Forcefully shaking a child under one year of age.</li> <li>(iv) Forcefully slapping or otherwise striking a child under one year of age.</li> <li>(v) Interfering with the breathing of a child.</li> <li>(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.</li> <li>(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:                   <ol style="list-style-type: none"> <li>A. 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.</li> <li>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.</li> <li>C. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).</li> </ol> </li> </ol> </li> <li>(9) Causing the death of the child through any act or failure to act.</li> <li>(10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).</li> </ol> <p><b>(c) Restatement of culpability.</b> - 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. [CPSL]</p>

<b>Child Advocacy Center</b>	<p>A local public agency in this Commonwealth or a not-for-profit entity incorporated in this Commonwealth which:</p> <ol style="list-style-type: none"> <li>(1) is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)); and</li> <li>(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. [CPSL]</li> </ol>
<b>Child-care Services</b>	<p>Includes any of the following:</p> <ol style="list-style-type: none"> <li>(1) Child day-care centers.</li> <li>(2) Group day-care homes.</li> <li>(3) Family day-care homes.</li> <li>(4) Foster homes.</li> <li>(5) Adoptive parents.</li> <li>(6) Boarding homes for children.</li> <li>(7) Juvenile detention center services or programs for delinquent or dependent children.</li> <li>(8) Mental health services for children.</li> <li>(9) Services for children with intellectual disabilities.</li> <li>(10) Early intervention services for children.</li> <li>(11) Drug and alcohol services for children.</li> <li>(12) Day-care services or programs that are offered by a school.</li> <li>(13) Other child-care 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. 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. [CPSL] [2015 Act 15]</li> </ol>
<b>Child Protective Services (CPS)</b>	<p>Those services and activities provided by the department and each county agency for child abuse cases. [CPSL]</p>
<b>Child Protective Services Law (CPSL)</b>	<p>It is the purpose of this chapter to encourage more complete reporting of suspected child abuse; to the extent permitted by this chapter, to involve law enforcement agencies in responding to child abuse; and to establish in each county protective services for the purpose of investigating the reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child's well-being and to preserve, stabilize and protect the integrity of family life wherever appropriate or to provide another alternative permanent family when the unity of the family cannot be maintained. It is also the purpose of this chapter to ensure that each county children and youth agency establish a program of protective services with procedures to assess risk of harm to a child and with the capabilities to respond adequately to meet the needs of the family and child who may be at risk and to prioritize the response and services to children most at risk. Entire law is available at <a href="http://www.compass.state.pa.us/cwis">www.compass.state.pa.us/cwis</a> or <a href="https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&amp;ttl=23&amp;div=00.&amp;chpt=063.&amp;CFID=246217912&amp;CFTOKEN=44782272">https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&amp;ttl=23&amp;div=00.&amp;chpt=063.&amp;CFID=246217912&amp;CFTOKEN=44782272</a> [CPSL]</p>

<p><b>Clearances</b></p>	<p>Certain individuals, in order to work or volunteer with children, are required to obtain clearances which may include the following:</p> <ul style="list-style-type: none"> <li>• Pennsylvania Child Abuse History Clearance;</li> <li>• Pennsylvania State Police Criminal Record Check;</li> <li>• Federal Bureau of Investigation Criminal Background Check; and</li> <li>• National Sex Offender Registry (NSOR) Clearance.</li> </ul> <p>See <a href="http://keepkidssafe.pa.gov">keepkidssafe.pa.gov</a> for specific information about certification for volunteers. Information regarding the Pennsylvania Child Abuse History Clearance is contained below, as well as a link to additional information regarding the Pennsylvania State Police Criminal Record Check, the Federal Bureau of Investigation Criminal Background Check and the National Sex Offender Registry Clearance.</p> <p>The Pennsylvania Child Abuse History Clearance can be submitted and paid for online through the Child Welfare Information Solution (CWIS) self-service portal, <a href="http://www.compass.state.pa.us/cwis">www.compass.state.pa.us/cwis</a>.</p> <p>Submitting an application online allows individual applicants to receive their results through an automated system that will notify the applicant once their results have been processed. Applicants will be able to view and print their results online. The self-service portal also provides the ability for organizations to create business accounts to prepay for child abuse clearances and have online access to the results.</p> <p>For more information about the electronic submission of child abuse clearances or for information on obtaining the Pennsylvania State Police Criminal Record Check, Federal Bureau of Investigation Criminal Background Check or National Sex Offender Registry (NSOR) Clearance, please go to: <a href="http://keepkidssafe.pa.gov/resources/clearances/index.htm">http://keepkidssafe.pa.gov/resources/clearances/index.htm</a> [accessed 5-30-19 8:37 AM]</p>
<p><b>Confidential Communications</b></p>	<p>The following protections shall apply:</p> <ol style="list-style-type: none"> <li>(1) Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen).</li> <li>(2) Confidential communications made to an attorney are protected so long as they are within the scope of 42 Pa.C.S. §§ 5916 (relating to confidential communications to attorney) and 5928 (relating to confidential communications to attorney), the attorney work product doctrine or the rules of professional conduct for attorneys. (Apr. 15, 2014, P.L.414, No.32, eff. 60 days) [CPSL]</li> </ol>
<p><b>Department</b></p>	<p>The Department of Human Services of the Commonwealth [CPSL] This is supplementary to Act 54 of 2018 “Mandated Notification of Substance Exposed Infants by Health Care Providers” information.</p>
<p><b>Direct contact with children</b></p>	<p>The care, supervision, guidance or control of children or routine interaction with children. [CPSL]</p>

**Exclusions of Abuse**

**Exclusions from child abuse.**

- (a) Environmental factors.** -- No child shall be deemed to be physically or mentally abused based on injuries 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 be deemed to be physically or mentally abused. In such cases the following shall apply:
- (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.
  - (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.
  - (3) The family shall be referred for general protective services, if appropriate.
  - (4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.
  - (5) This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.
- (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:
- (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.
  - (2) The use of reasonable force is necessary:
    - i. to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;
    - ii. to prevent the child from self-inflicted physical harm;
    - iii. for self-defense or the defense of another individual; or
    - 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.
- (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 discipline of their children. Such reasonable force shall not constitute child abuse.
- (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><b>Exclusions of Abuse (cont'd)</b></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> <ul style="list-style-type: none"> <li>i. Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter: <ul style="list-style-type: none"> <li>(A) rape as defined in 18 Pa.C.S. § 3121 (relating to rape);</li> <li>(B) involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);</li> <li>(C) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);</li> <li>(D) aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);</li> <li>(E) indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault); and</li> <li>(F) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).</li> </ul> </li> <li>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.</li> <li>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 nonperpetrator child.</li> </ul> <p>(g) <b>Defensive force.</b>--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. (Dec. 18, 2013, P.L.1170, No.108, eff. Dec. 31, 2014) [PACWRC]</p> <p><b>2013 Amendment.</b> Act 108 added section 6304. <b>Cross References.</b> Section 6304 is referred to in section 6303 of this title. [Section 6304 of CPSL]</p> <p>Exclusion: 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. [PA AAP SCAN PPT page 27]</p>
<p><b>Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease</b></p>	<p>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. [CPSL]</p>

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**Founded Report**

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 finding that the child who is the subject of the report has been abused by the child who was found to be delinquent.
  - (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.
  - (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.
  - (4) A final protection from abuse order has been 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:
    - (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. [CPSL]
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<p><b>General Protective Services (GPS)</b></p>	<p>Services to prevent the potential for harm to a child who meets one of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.</li> <li>(ii) Has been placed for care or adoption in violation of law.</li> <li>(iii) Has been abandoned by his parents, guardian or other custodian.</li> <li>(iv) Is without a parent, guardian or legal custodian.</li> <li>(v) Is habitually and without justification truant from school while subject to compulsory school attendance.</li> <li>(vi) Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.</li> <li>(vii) Is under 10 years of age and has committed a delinquent act.</li> <li>(viii) Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in subparagraph</li> <li>(ix). Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi). Source [55 PA. CODE § 3490.223]</li> </ul>
<p><b>Health Care Provider</b></p>	<p>Health care provider – 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. [CPSL]</p> <p>This is supplementary to Act 54 of 2018 “Mandated Notification of Substance Exposed Infants by Health Care Providers”</p>
<p><b>Indicated Report</b></p>	<p>(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an 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:</p> <ul style="list-style-type: none"> <li>(i) Available medical evidence.</li> <li>(ii) The child protective service investigation.</li> <li>(iii) An admission of the acts of abuse by the perpetrator.</li> </ul> <p>(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.</p> <p>(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. [CPSL]</p>
<p><b>Intentionally</b></p>	<p>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. 18Pa.CS §302 (relating to general requirements of culpability) [PACWRC]</p>

<b>Knowingly</b>	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 such a result. 18 Pa.C.S. § 302 (relating to general requirements of culpability) [PACWRC]
<b>Mandated Reporter</b>	<p>A person who is required by this chapter to make a report of suspected child abuse. [CPSL] These following adults shall make a report subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:</p> <ol style="list-style-type: none"> <li>(1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.</li> <li>(2) A medical examiner, coroner or funeral director.</li> <li>(3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.</li> <li>(4) A school employee.</li> <li>(5) An employee of a child-care service who has direct contact with children in the course of employment.</li> <li>(6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization</li> <li>(7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or has direct contact with children.</li> <li>(8) An employee of a social services agency who has direct contact with children in the course of employment.</li> <li>(9) A peace officer or law enforcement official.</li> <li>(10) An emergency medical services provider certified by the Department of Health.</li> <li>(11) An employee of a public library who has direct contact with children in the course of employment.</li> <li>(12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (13) who has direct contact with children in the course of employment.</li> <li>(13) An independent contractor.</li> <li>(14) An attorney affiliated with 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.</li> <li>(15) A foster parent.</li> <li>(16) An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code. [CPSL] [2015 Act 15]</li> </ol>



<p><b>Multidisciplinary Team</b></p>	<p>For the purpose of informing the Plan of Safe Care may include:</p> <ul style="list-style-type: none"> <li>- Public health agencies;</li> <li>- Maternal and child health agencies;</li> <li>- Home visitation programs;</li> <li>- Substance use disorder prevention and treatment providers;</li> <li>- Mental Health providers;</li> <li>- Public and private children and youth agencies;</li> <li>- Early intervention and developmental services;</li> <li>- Courts;</li> <li>- Local education agencies</li> <li>- Managed care organizations and private insurers; and</li> <li>- Hospitals and medical providers.[CPSL]</li> </ul> <p>This is supplementary to Act 54 of 2018 “Mandated Notification of Substance Exposed Infants by Health Care Providers” .</p>
<p><b>Parent</b></p>	<p>A biological parent, adoptive parent or legal guardian. [CPSL]</p>
<p><b>Paramour</b></p>	<p>A person with whom someone is having a romantic or sexual relationship and especially a secret or improper relationship <a href="http://www.learnersdictionary.com/definition/paramour">[http://www.learnersdictionary.com/definition/paramour]</a> [CPSL]</p>

**§ 6319 Penalties for  
Failure to Report  
[Title 23]**

- (a) Failure to report or refer
- (1) A person or official required by this chapter to report a case of suspected child abuse or make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so
  - (2) An offense under this section is a felony of the third degree if:
    - (i) the person or official willfully fails to report
    - (ii) the child abuse constitutes a felony of the first degree or higher; and
    - (iii) the person or official has direct knowledge of the nature of the abuse
  - (3) An offense not otherwise specified in paragraph (2) is a misdemeanor of the second degree.
  - (4) A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.
- (b) Continuing course of action: If a person's willful failure under this section to report an individual suspected of child abuse continues while the person knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the person knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the person commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the second degree.
- (c) Multiple offenses: A person who, at the time of sentencing for an offense under this section, has been convicted of a prior offense under this section commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offenses is a felony of the second degree.
- (d) Statute of limitations: The statute of limitations for an offense under subsection shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.
- (Nov. 29, 2006, P.L. 1581, No.179, eff. 180 days; April 15, 2014, P.L. 414, No.32, eff. 60 days)

<b>Perpetrator</b>	<p>A person who has committed child abuse as defined in this section. The following shall apply:</p> <p>(1) The term includes only the following:</p> <ul style="list-style-type: none"> <li>(i) A parent of the child.</li> <li>(ii) A spouse or former spouse of the child's parent.</li> <li>(iii) A paramour or former paramour of the child's parent.</li> <li>(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</li> <li>(v) An individual 14 years of age or older who resides in the same home as the child.</li> <li>(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.</li> <li>(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 section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).</li> </ul> <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"> <li>(i) A parent of the child.</li> <li>(ii) A spouse or former spouse of the child's parent.</li> <li>(iii) A paramour or former paramour of the child's parent.</li> <li>(iii) A person 18 years of age or older and responsible for the child's welfare.</li> <li>(iv) A person 18 years of age or older who resides in the same home as the child.</li> </ul> <p>[CPSL] [2015 Act 15]</p>
<b>Permissive Reporter</b>	<p>Individuals who are encouraged to report suspected child abuse, although not required by law. [CPSL]</p>
<b>Person responsible for the child's welfare</b>	<p>A person 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. The term includes any such person who has 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. [CPSL]</p>

<p><b>Plan of Safe Care</b> <i>Pertains to Act 54 of 2018 "Mandated Notification of Substance Exposed Infants by Health Care Providers".</i></p>	<p>After notification of a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder:</p> <ul style="list-style-type: none"> <li>• A multidisciplinary team meeting must be held prior to the child's discharge from the health care facility.</li> <li>• The meeting will inform an assessment of the needs of the child and the child's parents and immediate caregivers to determine the most appropriate lead agency for developing, implementing, and monitoring a Plan of Safe Care.</li> <li>• The child's parents and immediate caregivers must be engaged to identify the need for access to treatment for any substance use disorder or other physical or behavioral health condition that may impact the safety, early childhood development and well-being of the child.</li> <li>• Depending upon the needs of the child and parent(s)/caregiver(s), ongoing involvement of the county agency may not be required.</li> </ul> <p>Refer to supplementary definitions of "health care provider", "Department", and "multidisciplinary team".</p>
<p><b>Privileged communications</b></p>	<p><b>(a) General rule.</b>--Subject to subsection (b), the privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not:</p> <ol style="list-style-type: none"> <li>(1) Apply to a situation involving child abuse.</li> <li>(2) Relieve the mandated reporter of the duty to make a report of suspected child abuse.</li> </ol> <p><b>(b) Confidential communications.</b>--The following protections shall apply:</p> <ol style="list-style-type: none"> <li>(1) Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen).</li> <li>(2) Confidential communications made to an attorney are protected so long as they are within the scope of 42 Pa.C.S. §§ 5916 (relating to confidential communications to attorney) and 5928 (relating to confidential communications to attorney), the attorney work product doctrine or the rules of professional conduct for attorneys. (Apr. 15, 2014, P.L.414, No.32, eff. 60 days) [CPSL]</li> </ol>
<p><b>Recent act</b></p>	<p>Any act committed within two years of the date of the report to the department or county agency. [CPSL]</p>
<p><b>Recent act or failure to act</b></p>	<p>Any act or failure to act committed within two years of the date of the report to the department or county agency. [CPSL]</p>
<p><b>Recklessly</b></p>	<p>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. 18 Pa.C.S. § 302 (relating to general requirements of culpability) [PACWRC]</p>

<b>School Employee</b>	An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The definition of a school employee does not apply to administrative or other support personnel unless the person has direct contact with children. [CPSL]
<b>Serious bodily injury</b>	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. [CPSL]
<b>Serious mental injury</b>	A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that: <ul style="list-style-type: none"> <li>(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</li> <li>(2) seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks. [CPSL]</li> </ul>
<b>Serious physical neglect</b>	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: <ul style="list-style-type: none"> <li>(1) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.</li> <li>(2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care. [CPSL]</li> </ul>

**Sexual abuse or exploitation**

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.

- (2) Any of the following offenses committed against 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. § 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). [CPSL]

<b>Trafficking</b>	<p>Human Trafficking: The recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud, or coercion.</p> <p>Labor Trafficking: Labor obtained by use of threat of serious harm, physical restraint, or abuse of legal process. Examples: being forced to work for little or no pay from (frequently in factories or farms); domestic servitude (providing services within a household from 10 – 16 hours per day such as but not limited to: child care, cooking, cleaning, yard work, gardening).</p> <p>Sex trafficking: Involves a commercial sex act* that is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; Under federal law, sex trafficking (such as prostitution, pornography, exotic dancing, etc.) does not require there be force, fraud or coercion if the victim is under 18.</p> <p>*Any sex act on account of which anything of value is given to or received by any person.</p>
<b>Unfounded report</b>	Any report made pursuant to this chapter (see law) unless the report is a "founded report" or an "indicated report." [CPSL]
<b>Unreasonably restraining or confining a child</b>	Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement. [CPSL]

\*PACWRC = University of Pittsburgh (2014). Comparison Chart: CPSL Definitions. Retrieved from University of Pittsburgh School of Social Work, Pennsylvania Child Welfare Training Program website: [www.reportabusepa.pitt.edu](http://www.reportabusepa.pitt.edu) <http://www.pacwrc.pitt.edu/>