

CHILD ABUSE DEFINITIONS

The term **child abuse** shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental **serious physical injury** to a child under 18 years of age.

Serious physical injury is an injury that:

- ✓ Causes a child severe pain; or
- ✓ Significantly impairs a child's functioning, either temporarily or permanently.

2. An act or failure to act by a perpetrator which causes non-accidental **serious mental injury** to a child under 18 years of age.

Serious mental injury is a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

- ✓ Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or
- ✓ Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

3. An act or failure to act by a perpetrator which causes **sexual abuse or sexual exploitation** of a child under 18 years of age.

Sexual abuse or exploitation is the employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

4. **Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.**
5. **Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.**

To substantiate imminent risk of serious physical injury or sexual abuse or exploitation:

- ✓ a specific act or failure to act must be documented;
- ✓ the act or failure to act must result in risk of abuse; i.e., be supported by substantial evidence that serious physical injury or sexual abuse/exploitation would have occurred.

Substantial evidence is evidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion.

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 other 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.

The term *student abuse* shall refer to:

The serious bodily injury or sexual abuse or sexual exploitation to a student by a school employee.

Serious bodily injury is 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.

A *student* is an individual enrolled in a public or private school, intermediate unit or area vocational-technical school who is under 18 years of age.

School employees are persons employed by a public or private school, intermediate unit or area vocational-technical school, including persons employed as or employed by an independent contractor of a school. The term excludes an individual who has no direct contact with students.