

Child Abuse Definitions

According to the state's Child Protection Services Law (CPSL) Section 6303, child abuse is:

An incident of child abuse must involve a child, a perpetrator and an act of abuse as defined below:

Child - person who is under the age of 18.

Perpetrator - person who has committed child abuse and is:

- A parent of a child.
- A paramour of a child's parent.
- An individual 14 years of age or older residing in the same home as the child.
- A person responsible for the child's welfare: **Note:** this person may be under the age of 14.

Types of Abuse:

Physical Abuse

- Any recent act or failure to act by a perpetrator that causes non-accidental serious physical injury to a child under 18 years of age.
Serious physical injury to a child is a physical condition that:
 - Causes severe pain; or
 - Significantly impairs functioning, either temporarily or permanently.

Emotional Abuse

- Any act or failure to act by a perpetrator that 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 - Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or causes reasonable fear that the child's life or safety is threatened; or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.

Child Abuse Definitions (continued)

Sexual abuse

- any act or failure to act by a perpetrator that causes sexual abuse or sexual exploitation of a child under 18 years of age;
- the employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct.
- the employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming.
- any of the following offenses committed against a child: rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, sexual abuse, sexual exploitation.

Serious Physical Neglect

- Serious physical neglect by a perpetrator is 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.

Imminent Risk

- Any recent act or failure to act, or any series of such acts or failures to act, by a perpetrator that 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/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 that outweighs inconsistent evidence and that 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.

Child Abuse Definitions (continued)

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 parent, guardian, or other person responsible for the child's welfare, and if the 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 monitor the child closely 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 refers to:

- Serious bodily injury to or sexual abuse or sexual exploitation of a student by a school employee.

Serious bodily injury is that 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.

