

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1190 Session of
2010

INTRODUCED BY VANCE, MENSCH, LEACH, BAKER, WARD, ALLOWAY,
BOSCOLA, BROWNE, EARLL, FOLMER, FONTANA, LOGAN, MUSTO, O'PAKE
AND ORIE, FEBRUARY 1, 2010

REFERRED TO AGING AND YOUTH, FEBRUARY 1, 2010

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for the definition
3 of "child abuse."

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definition of "child abuse" in section
7 6303(b) of Title 23 of the Pennsylvania Consolidated Statutes is
8 amended to read:

9 § 6303. Definitions.

10 * * *

11 (b) Child abuse.--

12 (1) The term "child abuse" shall mean any of the
13 following:

14 (i) Any recent act or failure to act by a
15 perpetrator which causes nonaccidental serious physical
16 injury to a child under 18 years of age.

17 (ii) An act or failure to act by a perpetrator which
18 causes nonaccidental serious mental injury to or sexual

1 abuse or sexual exploitation of a child under 18 years of
2 age.

3 (iii) Any recent act, failure to act or series of
4 such acts or failures to act by a perpetrator which
5 creates an imminent risk of serious physical injury to or
6 sexual abuse or sexual exploitation of a child under 18
7 years of age.

8 (iv) Serious physical neglect by a perpetrator
9 constituting prolonged or repeated lack of supervision or
10 the failure to provide essentials of life, including
11 adequate medical care, which endangers a child's life or
12 development or impairs the child's functioning.

13 (1.1) It shall be considered child abuse if a child
14 tests positive at birth for a controlled substance as defined
15 in section 2 of the act of April 14, 1972 (P.L.233, No.64),
16 known as The Controlled Substance, Drug, Device and Cosmetic
17 Act, unless the child tests positive for a controlled
18 substance as a result of the mother's lawful intake of such
19 substance as prescribed.

20 (2) No child shall be deemed to be physically or
21 mentally abused based on injuries that result solely from
22 environmental factors that are beyond the control of the
23 parent or person responsible for the child's welfare, such as
24 inadequate housing, furnishings, income, clothing and medical
25 care.

26 (3) If, upon investigation, the county agency determines
27 that a child has not been provided needed medical or surgical
28 care because of seriously held religious beliefs of the
29 child's parents, guardian or person responsible for the
30 child's welfare, which beliefs are consistent with those of a

1 bona fide religion, the child shall not be deemed to be
2 physically or mentally abused. The county agency shall
3 closely monitor the child and shall seek court-ordered
4 medical intervention when the lack of medical or surgical
5 care threatens the child's life or long-term health. In cases
6 involving religious circumstances, all correspondence with a
7 subject of the report and the records of the Department of
8 Public Welfare and the county agency shall not reference
9 "child abuse" and shall acknowledge the religious basis for
10 the child's condition, and the family shall be referred for
11 general protective services, if appropriate.
12 Section 2. This act shall take effect in 60 days.