

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in child protective services, further providing for
4 definitions; and, in juvenile matters, further providing for
5 definitions.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 6303(b.1) of Title 23 of the Pennsylvania
9 Consolidated Statutes, reenacted June 12, 2018 (P.L.140, No.29),
10 is amended to read:

11 § 6303. Definitions.

12 * * *

13 (b.1) Child abuse.--The term "child abuse" shall mean
14 intentionally, knowingly or recklessly doing any of the
15 following:

16 (1) Causing bodily injury to a child through any recent
17 act or failure to act.

18 (2) Fabricating, feigning or intentionally exaggerating
19 or inducing a medical symptom or disease which results in a

1 potentially harmful medical evaluation or treatment to the
2 child through any recent act.

3 (3) Causing or substantially contributing to serious
4 mental injury to a child through any act or failure to act or
5 a series of such acts or failures to act.

6 (4) Causing sexual abuse or exploitation of a child
7 through any act or failure to act.

8 (5) Creating a reasonable likelihood of bodily injury to
9 a child through any recent act or failure to act.

10 (6) Creating a likelihood of sexual abuse or
11 exploitation of a child through any recent act or failure to
12 act.

13 (7) Causing serious physical neglect of a child.

14 (8) Engaging in any of the following recent acts:

15 (i) Kicking, biting, throwing, burning, stabbing or
16 cutting a child in a manner that endangers the child.

17 (ii) Unreasonably restraining or confining a child,
18 based on consideration of the method, location or the
19 duration of the restraint or confinement.

20 (iii) Forcefully shaking a child under one year of
21 age.

22 (iv) Forcefully slapping or otherwise striking a
23 child under one year of age.

24 (v) Interfering with the breathing of a child.

25 (vi) Causing a child to be present at a location
26 while a violation of 18 Pa.C.S. § 7508.2 (relating to
27 operation of methamphetamine laboratory) is occurring,
28 provided that the violation is being investigated by law
29 enforcement.

30 (vii) Leaving a child unsupervised with an

1 individual, other than the child's parent, who the actor
2 knows or reasonably should have known:

3 (A) Is required to register as a Tier II or Tier
4 III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H
5 (relating to registration of sexual offenders), where
6 the victim of the sexual offense was under 18 years
7 of age when the crime was committed.

8 (B) Has been determined to be a sexually violent
9 predator under 42 Pa.C.S. § 9799.24 (relating to
10 assessments) or any of its predecessors.

11 (C) Has been determined to be a sexually violent
12 delinquent child as defined in 42 Pa.C.S. § 9799.12
13 (relating to definitions).

14 (D) Has been determined to be a sexually violent
15 predator under 42 Pa.C.S. § 9799.58 (relating to
16 assessments) or has to register for life under 42
17 Pa.C.S. § 9799.55(b) (relating to registration).

18 (9) Causing the death of the child through any act or
19 failure to act.

20 (10) Engaging a child in a severe form of trafficking in
21 persons or sex trafficking, as those terms are defined under
22 section 103 of the Trafficking Victims Protection Act of 2000
23 (114 Stat. 1466, 22 U.S.C. § 7102).

24 (11) Causing a child to be born with fetal alcohol
25 spectrum disorder or to test positive at birth for a
26 controlled substance for which the biological mother did not,
27 during the pregnancy, have a valid prescription or a
28 certification under section 403 of the act of April 17, 2016
29 (P.L.84, No.16), known as the Medical Marijuana Act.

30 * * *

1 Section 2. The definition of "dependent child" in section
2 6302 of Title 42 is amended to read:

3 § 6302. Definitions.

4 The following words and phrases when used in this chapter
5 shall have, unless the context clearly indicates otherwise, the
6 meanings given to them in this section:

7 * * *

8 "Dependent child." A child who:

9 (1) is without proper parental care or control,
10 subsistence, education as required by law, or other care or
11 control necessary for his physical, mental, or emotional
12 health, or morals. A determination that there is a lack of
13 proper parental care or control may be based upon evidence of
14 conduct by the parent, guardian or other custodian that
15 places the health, safety or welfare of the child at risk,
16 including evidence of the parent's, guardian's or other
17 custodian's use of alcohol or a controlled substance that
18 places the health, safety or welfare of the child at risk;

19 (2) has been placed for care or adoption in violation of
20 law;

21 (3) has been abandoned by his parents, guardian, or
22 other custodian;

23 (4) is without a parent, guardian, or legal custodian;

24 (5) while subject to compulsory school attendance is
25 habitually and without justification truant from school;

26 (6) has committed a specific act or acts of habitual
27 disobedience of the reasonable and lawful commands of his
28 parent, guardian or other custodian and who is ungovernable
29 and found to be in need of care, treatment or supervision;

30 (7) has committed a delinquent act or crime, other than

1 a summary offense, while under the age of ten years;

2 (8) has been formerly adjudicated dependent, and is
3 under the jurisdiction of the court, subject to its
4 conditions or placements and who commits an act which is
5 defined as ungovernable in paragraph (6);

6 (9) has been referred pursuant to section 6323 (relating
7 to informal adjustment), and who commits an act which is
8 defined as ungovernable in paragraph (6); [or]

9 (10) is born to a parent whose parental rights with
10 regard to another child have been involuntarily terminated
11 under 23 Pa.C.S. § 2511 (relating to grounds for involuntary
12 termination) within three years immediately preceding the
13 date of birth of the child and conduct of the parent poses a
14 risk to the health, safety or welfare of the child[.]; or

15 (11) is born with fetal alcohol spectrum disorder or
16 tests positive at birth for a controlled substance for which
17 the biological mother did not, during the pregnancy, have a
18 valid prescription or a certification under section 403 of
19 the act of April 17, 2016 (P.L.84, No.16), known as the
20 Medical Marijuana Act.

21 * * *

22 Section 3. This act shall take effect in 60 days.