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## Senate Aging & Youth Committee

Senator Bob Mensch

*Chairman*

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### **Analysis Amendment #A03399 to Senate Bill 20, P.N. 679**

#### **Amendment Sponsor: L. Washington**

- Adds the definitions:
  - “Bodily injury” is the impairment of physical condition or substantial pain.
  - “Child” is an individual under the age of 18.
  - “Founded report” is a child abuse report involving a perpetrator if any of the following applies for the same factual circumstances involved in the allegation of child abuse:
    1. Judicial adjudications may include:
      - pleas of guilty or no contest
      - finding of guilt
      - a dependency finding if the child has been abused
      - a delinquency finding if the child has been abused
    2. There has been acceptance into an accelerated rehabilitate disposition program.
    3. A consent decree has been entered in a juvenile proceeding and there is an acknowledgement, admission or finding of abuse against the child alleged to be delinquent.
    4. A final protection from abuse (PFA) order has been granted and the child is one of the individuals to be protected and:
      - Only one individual is charged with the abuse
      - Only that individual defends against the charge
      - The PFA finds that the abuse occurred and prohibits further contact between the individual and the child
  - “Indicated report” is a report of child abuse 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, regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators:

1. Available medical evidence
2. The child protective service investigation
3. An admission of the acts of abuse by the perpetrator

Abuse may be indicated regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators.

County agency administrators, or designee and county agency solicitors must approve all indicated reports.

- “Intentionally” has the same meaning as provided within Title 18 (Crimes and Offenses).
- “Knowingly” has the same meaning as provided for within Title 18 (Crimes and Offenses).
- “Parent” is a biological parent, adoptive parent, or legal guardian.
- “Recklessly” has the same meaning as provided for within Title 18.
- “Serious physical neglect” is 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:
  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.
  2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.
- Amends the definition of “child abuse”:
  - Adds “knowingly” as a culpability standard
  - Adds “striking” a child under one
  - Stipulates that there must be a law enforcement investigation of the following violations if a child is present at a location where they are occurring:
    1. Offenses relating to the operation of a methamphetamine laboratory
    2. Felony violation of The Controlled Substance, Drug, Device and Cosmetic Act
    3. Operating a vehicle in which the child is a passenger while under the influence of alcohol or controlled substance

- Leaving a child alone with an individual other than the child's parent who has been:
  1. Convicted of any Tier II or Tier III sexual offense where any victim of such sexual offense was younger than 18 years of age when the crime was committed.
  2. Determined to be a sexually violent predator.
  3. Determined to be a sexually violent delinquent child.
- Removes the failing to act section but redrafted specific per se provisions which include a failure to act
- Exclusions:
  - Does not apply environmental or religious exclusion to foster parents, an individual 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, school employees, child care employees and employees of residential facilities.
  - Removes the peer-on-peer contact language and inserts provisions to establish child-on-child contact as child abuse only if the child who causes harm or injury is considered a perpetrator or the act constitutes the following crimes:
    1. Rape
    2. Involuntary deviate sexual intercourse
    3. Sexual assault
    4. Aggravated indecent assault
- Effective date:
  - Changes the effective date to January 1, 2014