

# ATTACHMENT 1

## DEFINITIONS

### 1. According to the Pennsylvania Child Protective Services Law (CSPL):

“Child Abuse” is intentionally, knowingly, or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) Fabricating, feigning or intentionally exaggerating, or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
  - (i) Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child.
  - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location, or the duration of the restraint or confinement.
  - (iii) Forcefully shaking a child under one year of age.
  - (iv) Forcefully slapping or otherwise striking a child under one year of age.
  - (v) Interfering with the breathing of a child.
  - (vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement
  - (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
    - (A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
    - (B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
    - (C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
- (9) Causing the death of the child through any act or failure to act.  
23 Pa.C.S.A. §6303

**Child Abuse DOES NOT include:**

- (a) **Environmental factors.**--No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing, and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.
- (b) **Practice of religious beliefs.**--If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. In such cases the following shall apply:
  - (1) The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.
  - (2) All correspondence with a subject of the report and the records of the department and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.
  - (3) The family shall be referred for general protective services, if appropriate.
  - (4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.
  - (5) This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.
- (c) **Use of force for supervision, control, and safety purposes.**--Subject to subsection (d), the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:
  - (1) The use of reasonable force constitutes incidental, minor, or reasonable physical contact with the child or other actions that are designed to maintain order and control.
  - (2) The use of reasonable force is necessary:
    - (i) to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;
    - (ii) to prevent the child from self-inflicted physical harm;
    - (iii) for self-defense or the defense of another individual; or
    - (iv) to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.
- (d) **Rights of parents.**--Nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control, and discipline of their children. Such reasonable force shall not constitute child abuse.

- (e) **Participation in events that involve physical contact with child.**--An individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity, or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirements of this chapter.
- (f) **Child-on-child contact.**--
  - (1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.
  - (2) Notwithstanding paragraph (1), the following shall apply:
    - (i) Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:
      - (A) rape as defined in 18 Pa.C.S. § 3121 (relating to rape);
      - (B) involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
      - (C) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);
      - (D) aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);
      - (E) indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault);
      - (F) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
    - (ii) No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight, or scuffle entered into by mutual consent.
    - (iii) A law enforcement official who receives a report of suspected child abuse is not required to make a report to the department under section 6334(a) (relating to disposition of complaints received), if the person allegedly responsible for the child abuse is a nonperpetrator child.
- (g) **Defensive force.**--Reasonable force for self-defense or the defense of another individual, consistent with the provisions of 18 Pa.C.S. §§ 505 (relating to use of force in self-protection) and 506 (relating to use of force for the protection of other persons), shall not be considered child abuse.  
**23 Pa.C.S.A. §6304.**

**“Sexual Abuse or Exploitation.”** Is any of the following:

- (1) The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
  - (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
  - (ii) Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
  - (iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
  - (iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.  
23 Pa.C.S.A. §6303

## 2. **Child Protection Policy Definitions**

**“Child or Youth”** is any person who is under 18 years of age. A person who is incompetent is considered to be a child under this Policy irrespective of his/her age.

**“Pastor”** An individual duly elected, appointed, or under contract to serve as pastor of the congregation in accordance with the policies, procedures, and constitutions of the congregation, the synod, and the ELCA.

**“Child Protection Policy Committee (CPPC)”** is the panel of congregational leaders who are responsible for implementing and overseeing the Child Protection Policy. The panel’s composition and duties are outlined in Section I of this Policy. The members of this committee are selected in accordance with the policies, procedures, bylaws, and constitution of the congregation.

**“Child Protective Services Law (CPSL)”** The legislative enactment of the Pennsylvania General Assembly which is codified at 23 Pa.C.S.A. §6301, *et. seq.*

**“CPPC Chair”** is the person who heads the Child Protection Policy Committee.

**“Volunteer”** is anyone who provides services for the church, who receives no compensation in the form of salary, wages, or benefits, and who routinely interacts with children to provide for their care, education, supervision, guidance, or control .

**“Youth Volunteer”** is anyone between 14-17 years of age who works under the supervision of two Approved Adults and who routinely interacts with children to provide for their care, education, supervision, guidance, or control.

**“Approved Adult”** is anyone over 18 years of age who has satisfied all the requirements of the Child Protection Policy, the application procedure for Approved Adults, and the Pennsylvania Child Protection Services Law (which includes obtaining applicable background certifications and, where applicable, signing a disclosure statement). An Approved Adult can be a volunteer or an employee of the congregation. By virtue of their contact with children and youth, all Approved Adults are Mandated Reporters of suspected child abuse under Pennsylvania’s CPSL.

Approved Adults include, but are not limited to:

- Sunday school teachers
- Vacation Bible school teachers
- Children’s leaders
- Mentors
- Children’s choir directors and musicians
- Rostered leaders: Pastors, Associates in Ministry, Deacons and Deaconesses.
- Other adults who have satisfied all the requirements of Approved Adults, such as nursery volunteers

**“Mandated Reporter”** is a person who is required to report to state authorities when he or she has reasonable cause to suspect that a child is a victim of child abuse in accordance with the Pennsylvania Child Protective Services Law, 23. Pa.C.S.A. §6301 *et. seq*

**“Youth Ministry Leader”** is any employee or Approved Adult who assists in a youth ministry program.

**“Non-Approved Adult”** is any adult present and assisting in a church-sponsored child or youth program or activity who may not meet the criteria for Mandated Reporter described in the Policy, Paragraph J, Reporting Suspected Child Abuse, Number 2. Non-Approved Adults may still be Permissive Reporters of suspected child abuse as described in H2.