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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2208 Session of  
2020

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INTRODUCED BY KEEFER, ROTHMAN, BERNSTINE, ZIMMERMAN, RAPP,  
SAYLOR, PYLE, DeLUCA, READSHAW, STRUZZI, GALLOWAY, MOUL,  
GROVE AND GILLEN, JANUARY 13, 2020

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 13, 2020

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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 is amended to read:

10 § 6303. Definitions.

11 \* \* \*

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

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

17 (2) Fabricating, feigning or intentionally exaggerating  
18 or inducing a medical symptom or disease which results in a  
19 potentially harmful medical evaluation or treatment to the

1 child through any recent act.

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

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

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

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

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

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

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

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

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

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

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

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

29 (vii) Leaving a child unsupervised with an  
30 individual, other than the child's parent, who the actor

1 knows or reasonably should have known:

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

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

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

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

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

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

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

29 \* \* \*

30 Section 2. The definition of "dependent child" in section

1 6302 of Title 42 is amended to read:

2 § 6302. Definitions.

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

6 \* \* \*

7 "Dependent child." A child who:

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

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

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

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

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

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

29 (7) has committed a delinquent act or crime, other than  
30 a summary offense, while under the age of ten years;

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

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

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

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

20 \* \* \*

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