

\* \* \* Human Services; Child Welfare Services; Definitions;

Investigations; Referral to Law Enforcement \* \* \*

Sec. 10. 33 V.S.A. § 4912 is amended to read:

§ 4912. DEFINITIONS

As used in this subchapter:

(1) “Abused or neglected child” means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child’s welfare. An “abused or neglected child” also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.

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(11) “Physical injury” means ~~death or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means~~ any impairment of physical condition by other than accidental means.

\* \* \*

(14) “Risk of harm” means a significant danger that a child will suffer ~~serious harm by~~ other than by accidental means, ~~which harm would be likely to cause serious~~ physical injury, neglect, ~~emotional maltreatment,~~ or sexual abuse, including as the result of:

(A) the production or preproduction of methamphetamines when a child is actually present;

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(B) leaving a child without developmentally appropriate supervision;

(C) not providing developmentally appropriate supervision or care for a child  
due to use of illegal substances, or misuse of prescription drugs or alcohol;

(D) failing to supervise appropriately a child in a situation in which drugs,  
alcohol, or drug paraphernalia are accessible to the child; and

(E) a registered sex offender or person substantiated for sexually abusing a  
child residing with or spending unsupervised time with a child.

(15) ~~(A) “Sexual abuse” consists of any act or acts by any person involving  
sexual molestation or exploitation of a child, including incest, prostitution, rape, sodomy,  
or any lewd and lascivious conduct involving a child. Sexual abuse also includes the  
aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in  
any photograph, motion picture, exhibition, show, representation, or other presentation  
which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic  
abuse involving a child~~ means any conduct involving a child that constitutes a potential  
violation of:

(i) lewdness and prostitution in violation of 13 V.S.A. chapter 59;

(ii) human trafficking in violation of 13 V.S.A. chapter 60;

(iii) obscenity in violation of 13 V.S.A. chapter 63, except for violations of  
13 V.S.A. § 2802b;

(iv) sexual exploitation of children in violation of 13 V.S.A. chapter 64; or

(v) sexual assault in violation of 13 V.S.A. chapter 72.

(B) In determining whether to accept a report as a valid allegation of sexual  
abuse pursuant to section 4915 of this title, or to take any other action, the Department

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need not establish every element of the crimes listed in subdivision (A), and need only establish that there is a valid allegation that the conduct described in the crimes listed in subdivision (A) is alleged to have occurred and that conduct involved a child.

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(17) “Serious physical injury” means, by other than accidental means:

(A) physical injury which creates any of the following:

(i) a substantial risk of death;

(ii) a substantial loss or impairment of the function of any bodily member or organ;

(iii) a substantial impairment of health; or

(iv) substantial disfigurement; or

(B) strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

Sec. 11. 33 V.S.A. § 4915b(e) is amended to read:

(e) The Department:

(1) shall report to and request assistance from law enforcement in the following circumstances:

~~(1) investigations of child sexual abuse by an alleged perpetrator age 10 or older;~~

~~(2) investigations of serious physical abuse or neglect likely to result in criminal charges or requiring emergency medical care~~

(A) an incident in which a child suffers, by other than accidental means, serious bodily injury as defined in 13 V.S.A. § 1021; and

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(B) potential violations of:

(i) 13 V.S.A. § 2602;

(ii) 13 V.S.A. chapter 60;

(iii) 13 V.S.A. chapter 64; and

(iv) 13 V.S.A. chapter 72; and

(3) may report to and request assistance from law enforcement when appropriate,

including:

(A) an incident in which a child suffers:

(i) bodily injury, by other than accidental means, as defined in 13 V.S.A.

§ 1021; or

(ii) death; and

(B) potential violations of:

(i) 13 V.S.A. § 2601;

(ii) 13 V.S.A. § 2605;

(iii) 13 V.S.A. § 1304; and

(iv) 13 V.S.A. § 1304a.

~~(3)~~ (C) situations potentially dangerous to the child or Department worker.

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