
**Children & Family Services
Committee**

HB 1054

Brief Description: Specifying circumstances under which a clergy must report child abuse or neglect.

Sponsors: Representatives Dickerson, Skinner, Romero, Haigh, O'Brien, Kenney, Darneille, Kagi, Clements, Sommers, Chase, Miloscia, McDermott, Kirby, Schual-Berke, Lovick and Kessler.

Brief Summary of Bill

- Includes clergy in the list of mandatory reporters and clarifies when the clergy must report child abuse or neglect.

Hearing Date: 1/23/03

Staff: Sonja Hallum (786-7092).

Background:

Washington state has a law that requires various persons to report suspected child abuse to authorities. These persons are called mandatory reporters.– Under current law, it is mandatory that certain persons having reasonable cause to believe that a child has suffered abuse or neglect report the incident, or cause the incident to be reported, to the appropriate law enforcement agency or the Department of Social and Health Services (DSHS). There are a number of mandatory reporters listed in the current law. A priest or other member of the clergy is not included in the list of mandatory reporters and is not required to make a report to law enforcement or DSHS if he or she suspects or knows a child is abused or neglected.

The reporting requirement also extends to any adult who is able or capable of making a report and who has reasonable cause to believe that a child who resides with them has suffered severe abuse. An individual who is not a mandatory reporter is encouraged by statute to report suspected child abuse to the proper law enforcement agency or the DSHS.

There are certain relationships whose confidentiality the law protects by prohibiting the compelled disclosure of confidences. These relationships include marital, attorney-client, and

the priest-penitent relationships. A priest or clergy member cannot, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs. Thus, the penitent holds the privilege and is the only person who can waive the privilege.

Current law allows the reporting of suspected child abuse or neglect under the mandatory reporter requirements without it being a violation of the confidential communications privilege. This law specifically references the privilege arising from the clergy/priest-penitent privilege.

Summary of Bill:

Clergy are included in the list of persons who are determined to be mandatory reporters of child abuse or neglect. Clergy are not required to report information of abuse and neglect if the information is privileged under the priest-penitent privilege and the confession was made directly to the clergy by the perpetrator. However, if the clergy receives information from a source other than the perpetrator the clergy is required to report that information even if it is the same information as the privileged information received from the perpetrator.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.