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**Children & Family Services  
Committee**

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**HB 2597**

**Brief Description:** Requiring clergy to report sexual abuse of a child.

**Sponsors:** Representatives Dickerson, Kagi, Darneille, Pettigrew, Kenney, Ruderman, Kirby and Chase.

**Brief Summary of Bill**

- Requires a member of the clergy to report to law enforcement or the Department of Social and Health Services when he or she has reasonable cause to believe that a child has suffered sexual abuse and the perpetrator is a member of the clergy or an employee of the church or religious organization.
- Creates an exception to the reporting requirement for information the member of the clergy obtains as a result of a confession which is privileged under the clergy/priest-penitent privilege.

**Hearing Date:** 2/5/04

**Staff:** Sonja Hallum (786-7092).

**Background:**

Washington law requires certain persons to report suspected child abuse or neglect 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 mandated reporters listed in the current law. A priest or other clergy person is not included in the list of mandatory reporters and is not required to make a report to law enforcement or the 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 mandated 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 clergy/priest-penitent relationships.

A clergy person or priest is not required to disclose any confessions 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. Voluntarily reporting abuse or neglect of a child is not a violation of this confidence. However, clergy are not mandated reporters of child abuse or neglect.

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:**

The definition of "clergy" is changed to reference a "member of the clergy" which includes a broad range of positions within numerous religions.

A member of the clergy is required to report to law enforcement or the Department of Social and Health Services when he or she has reasonable cause to believe that a child has suffered sexual abuse and the perpetrator is a member of the clergy or an employee of the church or religious organization.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.