
**Human Services, Youth, & Early
Learning Committee**

HB 1098

Brief Description: Concerning the duty of clergy to report child abuse or neglect.

Sponsors: Representatives Walen, Ramel, Peterson, Senn, Callan, Doglio, Macri, Reeves, Wylie, Pollet, Santos and Ormsby.

Brief Summary of Bill

- Requires that a "member of the clergy" report child abuse or neglect if there is reasonable cause to believe that a child has suffered abuse or neglect unless the information is obtained as a result of a confession made under clergy-penitent privilege.

Hearing Date: 1/13/23

Staff: Luke Wickham

Background:

Mandatory Reporting of Child Abuse and Neglect.

State law identifies certain individuals as having a requirement to report child abuse or neglect if there is reasonable cause to believe that a child has suffered abuse or neglect. These individuals must report this information to a law enforcement agency or to the Department of Children, Youth, and Families (DCYF).

Mandatory Reporters of Child Abuse and Neglect Include:

- medical practitioners;
- county coroners;
- medical examiners;

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- law enforcement officers;
- professional school personnel;
- registered or licensed nurses;
- social service counselors;
- psychologists;
- pharmacists;
- employees of the DCYF;
- licensed or certified child care providers or their employees;
- employees of the Department of Social and Health Services;
- juvenile probation officers;
- placement and liaison specialists;
- responsible living skills program staff;
- HOPE Center staff;
- the Family and Children's Ombuds or any volunteer in that office;
- host home program;
- any person in an official supervisory capacity with a profit or nonprofit organization that has reason to believe a person over whom her or she exercises supervisory authority has abused or neglected a child;
- Department of Corrections personnel;
- adults who have reasonable cause to believe that a child who resides with the adult is a victim of severe abuse;
- guardians ad litem and court appointed special advocates; and
- administrative, academic, or athletic department employees of public and private institutions of higher education.

Any mandated reporter who knowingly fails to make a report, is guilty of a gross misdemeanor.

Clergy-Penitent Privilege.

A member of the clergy, a Christian Science practitioner, or a priest cannot be examined as to any confession or sacred confidence made without the consent of a person making the confession or sacred confidence.

Summary of Bill:

Members of the clergy are required to report child abuse or neglect when the clergy member has reasonable cause to believe that a child has suffered abuse or neglect to the proper law enforcement or the Department of Children, Youth, and Families.

Members of the clergy are not required to report such child abuse or neglect if the information is obtained in the clergy member's professional character as a religious or spiritual advisor when the information is obtained solely as a result of a confession made under clergy-penitent privilege, and the clergy member is authorized to hear the confession and has a duty under the doctrine or custom of the clergy member's church to keep the confession secret.

The clergy-penitent privilege does not apply and the clergy member must report child abuse or neglect if the clergy member has received the information from any source other than a confession.

The term "member of the clergy" is defined in the bill to mean any regularly licensed, accredited, or ordained minister, priest, rabbi, imam, or similarly situated religious or spiritual leader of any church, religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person's religious group whether acting in an individual capacity or as an employee, agent, or official of any public or private organization or institution.

Appropriation: None.

Fiscal Note: Requested on January 5, 2023.

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