

CLERGY CHILD ABUSE REPORTING REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to reporting requirements for child abuse and neglect.

Highlighted Provisions:

This bill:

- ▶ clarifies that a member of the clergy may report suspected child abuse or neglect in certain circumstances; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-2-602, as renumbered and amended by Laws of Utah 2022, Chapter 334

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **80-2-602** is amended to read:

80-2-602. Child abuse and neglect reporting requirements -- Exceptions.

(1) Except as provided in Subsection (3), if a person, including an individual licensed



28 under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice
29 Act, has reason to believe that a child is, or has been, the subject of abuse or neglect, or
30 observes a child being subjected to conditions or circumstances that would reasonably result in
31 abuse or neglect, the person shall immediately report the suspected abuse or neglect to the
32 division or to the nearest peace officer or law enforcement agency.

33 (2) (a) (i) If a peace officer or law enforcement agency receives a report under
34 Subsection (1), the peace officer or law enforcement agency shall immediately notify the
35 nearest office of the division.

36 (ii) If the division receives a report under Subsection (1), the division shall
37 immediately notify the appropriate local law enforcement agency.

38 (b) (i) The division shall, in addition to the division's own investigation in accordance
39 with Section [80-2-701](#), coordinate with the law enforcement agency on an investigation
40 undertaken by the law enforcement agency to investigate the report of abuse or neglect under
41 Subsection (1).

42 (ii) If a law enforcement agency undertakes an investigation of a report under
43 Subsection (1), the law enforcement agency shall provide a final investigatory report to the
44 division upon request.

45 (3) Subject to Subsection (4), the reporting requirement described in Subsection (1)
46 does not apply to:

47 (a) a member of the clergy, with regard to any confession made to the member of the
48 clergy while functioning in the ministerial capacity of the member of the clergy and without the
49 consent of the individual making the confession, if:

50 (i) the perpetrator made the confession directly to the member of the clergy; and

51 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound
52 to maintain the confidentiality of the confession; or

53 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of
54 the suspected abuse or neglect of a child arises from the representation of a client, unless the
55 attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably
56 certain death or substantial bodily harm in accordance with Utah Rules of Professional
57 Conduct, Rule 1.6.

58 (4) (a) Notwithstanding the exemption in Subsection (3)(a), a member of the clergy

59 may report suspected child abuse or neglect.

60 (b) When a member of the clergy receives information about abuse or neglect from any
61 source other than confession of the perpetrator, the member of the clergy is required to report
62 the information even if the member of the clergy also received information about the abuse or
63 neglect from the confession of the perpetrator.

64 [(b)] (c) Exemption of the reporting requirement for an individual described in
65 Subsection (3) does not exempt the individual from any other efforts required by law to prevent
66 further abuse or neglect by the perpetrator.

67 (5) The physician-patient privilege does not:

68 (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical
69 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting
70 under this section; or

71 (b) constitute grounds for excluding evidence regarding the child's injuries, or the
72 cause of the child's injuries, in a judicial or administrative proceeding resulting from a report
73 under this section.