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

SB 6298

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

Sponsors: Senators Frame, Kauffman, Hunt, Kuderer, Liias, Lovick, Nobles, Shewmake, Valdez and Wellman.

Brief Summary of Bill

- Requires members of the clergy to report child abuse or neglect when the clergy member has reasonable cause to believe a child has suffered abuse or neglect, except with regard to information that a clergy member obtains solely in the context of a penitential communication.
- Requires members of the clergy to warn the Department of Children, Youth, and Families or law enforcement when they have reasonable cause to believe that a child is at imminent risk of being abused or neglected, even if that belief is informed by information obtained in part as a result of a penitential communication.

Hearing Date: 2/16/24

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,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Youth, and Families (DCYF).

Mandatory reporters of child abuse and neglect include:

- medical practitioners;
- county coroners;
- medical examiners;
- 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 programs;
- any person in an official supervisory capacity with a profit or nonprofit organization that has reason to believe a person over whom he 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.

Reasonable cause for purposes of mandated reporting of child abuse and neglect is defined to mean a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

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 a child has suffered abuse or neglect, except with regard to information that a clergy member obtains in that person's professional character as a religious or spiritual advisor when the information is obtained solely in the context of a penitential communication.

A penitential communication is a communication that is:

- communicated through spoken word;
- made privately to an individual member of the clergy;
- intended by the communicant to be an act of contrition or a matter of conscience;
- intended by both parties to be confidential at the time the communication is made;
- is initiated by the communicant; and
- made in the manner and context that places the member of the clergy specifically and strictly under a level of confidentiality that is considered inviolate by religious doctrine of the member of the clergy.

A penitential communication does not include:

- providing spiritual direction, unless taking place as part of a penitential communication described above;
- religious counseling;
- individual or group therapy;
- activity related to human resources or personnel management;
- clergy assignment work;
- communications between clergy, laity, or other members of the faith that occur outside of a penitential context;
- activity relating to church administration or management;
- internal judicial proceedings;
- discipline; or
- any written communication.

Members of the clergy must warn the Department of Children, Youth, and Families or law enforcement when they have reasonable cause to believe that a child is at imminent risk of being abused or neglected, even if that belief is informed by information obtained in part as a result of a penitential communication.

Appropriation: None.

Fiscal Note: Not requested.

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