

CHILD ABUSE REPORTING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ deletes provisions that exempt, under certain circumstances, a member of the clergy from being required to report child abuse and neglect; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-403, as last amended by Laws of Utah 2018, Chapter 91

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

Section 1. Section **62A-4a-403** is amended to read:

62A-4a-403. Reporting requirements.

(1) [~~(a) Except as provided in Subsection (2), when any~~] Any individual[~~, including an~~



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

33 ~~[(b)]~~ (2) Upon receipt of a report described in Subsection (1)~~[(a)]~~, the peace officer or
34 law enforcement agency shall immediately notify the nearest office of the division. If an initial
35 report of abuse or neglect is made to the division, the division shall immediately notify the
36 appropriate local law enforcement agency.

37 ~~[(c)]~~ (3) The division shall, in addition to ~~[its]~~ the division's own investigation, comply
38 with and lend support to investigations by law enforcement undertaken to investigate a report
39 described in Subsection (1)~~[(a)]~~.

40 ~~[(2) Subject to Subsection (3), the notification requirement described in Subsection~~
41 ~~(1)(a) does not apply to a member of the clergy, with regard to any confession made to the~~
42 ~~member of the clergy while functioning in the ministerial capacity of the member of the clergy~~
43 ~~and without the consent of the individual making the confession, if:]~~

44 ~~[(a) the perpetrator made the confession directly to the member of the clergy; and]~~

45 ~~[(b) the member of the clergy is, under canon law or church doctrine or practice, bound~~
46 ~~to maintain the confidentiality of that confession.]~~

47 ~~[(3) (a) When a member of the clergy receives information about abuse or neglect from~~
48 ~~any source other than confession of the perpetrator, the member of the clergy is required to~~
49 ~~report that information even though the member of the clergy may have also received~~
50 ~~information about abuse or neglect from the confession of the perpetrator.]~~

51 ~~[(b) Exemption of the reporting requirement for a member of the clergy does not~~
52 ~~exempt the member of the clergy from any other efforts required by law to prevent further~~
53 ~~abuse or neglect by the perpetrator.]~~