

Representative **Angela Romero** proposes the following substitute bill:

**CHILD ABUSE REPORTING REVISIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Angela Romero**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ requires a member of the clergy to report information about child sexual abuse or sexual exploitation; and
- ▶ makes technical changes.

**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

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

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



26 **80-2-602. Child abuse and neglect reporting requirements -- Exceptions.**

27 (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~~ Subsections (4) and (5), the reporting requirement  
46 described in Subsection (1) 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) When a member of the clergy receives information about abuse or neglect from  
59 any source other than confession of the perpetrator, the member of the clergy is required to  
60 report the information even if the member of the clergy also received information about the  
61 abuse or neglect from the confession of the perpetrator.

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

65 (5) Notwithstanding Subsection (3), the reporting requirement described in Subsection  
66 (1) applies to a member of the clergy, regardless of the source of the information, if the clergy  
67 member has reason to believe that a child is, or has been, the subject of sexual abuse or sexual  
68 exploitation as those terms are defined in Section [80-1-102](#).

69 [~~5~~] (6) The physician-patient privilege does not:

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

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