

**CHILD ABUSE REPORTING REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies the clergy exemption related to reporting requirements for child abuse and neglect.

**Highlighted Provisions:**

This bill:

- ▶ provides that the clergy exemption for the required reporting of child abuse or neglect does not apply if a clergy member has reason to believe that abuse or neglect is ongoing or is likely to occur again;
- ▶ requires a member of the clergy to report information about child abuse or neglect if the clergy member discloses the information to a third party in certain circumstances; and
- ▶ makes technical and conforming 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



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

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

30 **80-2-602. Child abuse and neglect reporting requirements -- Exceptions.**

31 (1) Except as provided in Subsection (3), if a person, including an individual licensed  
32 under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice  
33 Act, has reason to believe that a child is, or has been, the subject of abuse or neglect, or  
34 observes a child being subjected to conditions or circumstances that would reasonably result in  
35 abuse or neglect, the person shall immediately report the suspected abuse or neglect to the  
36 division or to the nearest peace officer or law enforcement agency.

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

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

42 (b) (i) The division shall, in addition to the division's own investigation in accordance  
43 with Section **80-2-701**, coordinate with the law enforcement agency on an investigation  
44 undertaken by the law enforcement agency to investigate the report of abuse or neglect under  
45 Subsection (1).

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

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

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

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

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

57 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of  
58 the suspected abuse or neglect of a child arises from the representation of a client, unless the

59 attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably  
60 certain death or substantial bodily harm in accordance with Utah Rules of Professional  
61 Conduct, Rule 1.6.

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

66 (b) The exception in Subsection (3)(a) does not apply to a member of the clergy if the  
67 member of the clergy:

68 (i) has reason to believe that the confessed abuse or neglect is ongoing or is likely to  
69 occur again in the future; or

70 (ii) discloses the confession to a third party and the disclosure is not reasonably  
71 necessary for the clergy to fulfill their ministerial duties toward the individual making the  
72 confession.

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

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

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

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