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CHILD ABUSE AND NEGLECT REPORTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Anthony E. Loubet

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Jennifer Dailey-Provost	Steven J. Lund	Douglas R. Welton
Stephanie Gricius	Ashlee Matthews	Mark A. Wheatley

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LONG TITLE

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General Description:

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5 This bill amends provisions regarding child abuse and neglect reporting requirements.

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Highlighted Provisions:

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7 This bill:

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8 ▶ provides that a member of the clergy may report ongoing abuse or neglect even if the
9 perpetrator made a confession to the clergy member;

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10 ▶ provides that a report by a member of the clergy is not intended to affect the application
11 of any privilege under the Utah Rules of Evidence; and

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12 ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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14 None

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Other Special Clauses:

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16 None

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Utah Code Sections Affected:

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18 AMENDS:

19 **80-2-602**, as renumbered and amended by Laws of Utah 2022, Chapter 334

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

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

23 **80-2-602 . Child abuse and neglect reporting requirements -- Exceptions.**

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

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

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

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

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

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

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

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

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

51 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of

52 the suspected abuse or neglect of a child arises from the representation of a client,
53 unless the attorney is permitted to reveal the suspected abuse or neglect of the child
54 to prevent reasonably certain death or substantial bodily harm in accordance with
55 Utah Rules of Professional Conduct, Rule 1.6.

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

60 (b) When a member of the clergy reasonably believes that a child is the subject of
61 ongoing abuse or neglect, the member of the clergy may report the information even
62 if the perpetrator made a confession to the member of the clergy regarding the abuse
63 or neglect.

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
66 to prevent further abuse or neglect by the perpetrator.

67 (d) A report by a member of the clergy under Subsection (4) is not intended to have any
68 effect on the application of a privilege outlined in the Utah Rules of Evidence.

69 (5) 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
72 reporting under this section; or

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

76 Section 2. **Effective date.**

77 This bill takes effect on May 1, 2024.