

Representative Anthony E. Loubet proposes the following substitute bill:

CHILD ABUSE AND NEGLECT REPORTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Anthony E. Loubet

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that a member of the clergy may report ongoing abuse or neglect even if the perpetrator made a confession to the clergy member;
- ▶ provides that a report by a member of the clergy is not intended to affect the application of any privilege under the Utah Rules of Evidence; 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

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



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

27 **80-2-602. Child abuse and neglect reporting requirements -- Exceptions.**

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

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

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

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

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

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

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

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

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

54 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of
55 the suspected abuse or neglect of a child arises from the representation of a client, unless the
56 attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably

57 certain death or substantial bodily harm in accordance with Utah Rules of Professional
58 Conduct, Rule 1.6.

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

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

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

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

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

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

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

78 Section 2. **Effective date.**

79 This bill takes effect on May 1, 2024.