

HOUSE BILL REPORT

HB 1098

As Reported by House Committee On:
Human Services, Youth, & Early Learning

Title: An act relating to the duty of clergy to report child abuse or neglect.

Brief Description: Concerning the duty of clergy to report child abuse or neglect.

Sponsors: Representatives Walen, Ramel, Peterson, Senn, Callan, Doglio, Macri, Reeves, Wylie, Pollet, Santos and Ormsby.

Brief History:

Committee Activity:

Human Services, Youth, & Early Learning: 1/13/23, 1/20/23 [DPS].

Brief Summary of Substitute Bill

- Requires that a "member of the clergy" report child abuse or neglect if there is reasonable cause to believe that a child has suffered abuse or neglect.

HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan, Goodman, Ortiz-Self and Rule.

Minority Report: Do not pass. Signed by 4 members: Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent and Walsh.

Staff: Luke Wickham (786-7146).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Mandatory Reporting of Child Abuse and Neglect.

State law identifies certain individuals as having a requirement to report child abuse or neglect if there is reasonable cause to believe that a child has suffered abuse or neglect. These individuals must report this information to a law enforcement agency or to the Department of Children, Youth, and Families (DCYF).

Mandatory reporters of child abuse and neglect include:

- medical practitioners;
- county coroners;
- medical examiners;
- law enforcement officers;
- professional school personnel;
- registered or licensed nurses;
- social service counselors;
- psychologists;
- pharmacists;
- employees of the DCYF;
- licensed or certified child care providers or their employees;
- employees of the Department of Social and Health Services;
- juvenile probation officers;
- placement and liaison specialists;
- responsible living skills program staff;
- HOPE Center staff;
- the Family and Children's Ombuds or any volunteer in that office;
- host home program;
- any person in an official supervisory capacity with a profit or nonprofit organization that has reason to believe a person over whom her or she exercises supervisory authority has abused or neglected a child;
- Department of Corrections personnel;
- adults who have reasonable cause to believe that a child who resides with the adult is a victim of severe abuse;
- guardians ad litem and court appointed special advocates; and
- administrative, academic, or athletic department employees of public and private institutions of higher education.

Any mandated reporter who knowingly fails to make a report is guilty of a gross misdemeanor.

Clergy-Penitent Privilege.

A member of the clergy, a Christian Science practitioner, or a priest cannot be examined as to any confession or sacred confidence made without the consent of a person making the confession or sacred confidence.

Summary of Substitute Bill:

Members of the clergy are required to report child abuse or neglect when the clergy member has reasonable cause to believe that a child has suffered abuse or neglect to the proper law enforcement or the Department of Children, Youth, and Families.

The term "member of the clergy" is defined in the bill to mean any regularly licensed, accredited, or ordained minister, priest, rabbi, imam, elder, or similarly situated religious or spiritual leader of any church, religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person's religious group whether acting in an individual capacity or as an employee, agent, or official of any public or private organization or institution.

Substitute Bill Compared to Original Bill:

The substitute bill adds a person who is an elder to the definition of "member of the clergy."

The substitute bill also removes the exemption for information that a member of the clergy obtains through a confession from the mandatory reporting of child abuse and neglect requirement.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington is one of only seven states that does not require clergy to report child abuse and neglect. Clergy in Washington are not required to report suspected child abuse. Children are in need of serious protection. Bad actors might seek out children who do not have a safety net. Home and school may sometimes not be safe places for children. Children need trusted adults that surround them to help protect them. Adults have a responsibility to prevent harm to children.

School employees understand the tremendous responsibility that comes with being a mandated reporter. Children and other vulnerable adults should be able to trust the adults around them. While mandatory reporting requirements are far from perfect, the system can be effective in preventing or stopping many types of abuse. Mandated reporting is

necessary when compassion, doubt, and altruism fails. For anyone who fears this is a threat to religious community or freedom, please consider the lifelong religious trauma incurred by silence as the victim has to process why the religious community did not respond to such concerns.

The confession exemption should be removed. To allow a place for abuse to be known is to condone abuse. To call providing a safe haven for a known abuser as sacred is unconscionable. Continuing to exempt religious activity that can give coverage to abuse is a form of complicity. The least that can be asked for from religious institutions is to be responsible for the vulnerable people in their care who look to these institutions for guidance and protection.

(Opposed) None.

Persons Testifying: Representative Amy Walen, prime sponsor; and Kristiana de Leon, Association of Secular Elected Officials.

Persons Signed In To Testify But Not Testifying: None.