HOUSE BILL REPORT
HB 1211

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

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

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

Sponsors: Representatives Walen, Taylor, Reed, Ryu, Ramel, Macri, Callan, Pollet, Fey, Kloba, Duerr, Ormsby, Lekanoff, Stonier and Hill.

Brief History:
Committee Activity:
Early Learning & Human Services: 2/4/25, 2/7/25 [DP].

Brief Summary of Bill

- Requires members of the clergy to report child abuse or neglect when they have reasonable cause to believe that a child has suffered such abuse or neglect.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Bergquist, Chair; Cortes, Vice Chair; Bernbaum, Goodman, Hill, Ortiz-Self, Penner and Taylor.

Minority Report: Do not pass. Signed by 2 members: Representatives Eslick, Ranking Minority Member; Dent.

Minority Report: Without recommendation. Signed by 1 member: Representative Burnett, Assistant Ranking Minority Member.

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 programs;
- any person in an official supervisory capacity with a profit or nonprofit organization that has reason to believe a person over whom he 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 (questioned during or in preparation for a court proceeding) as to any confession or sacred confidence made without the consent of the person making the confession or sacred confidence.

Summary of 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 to the Department of Children, Youth, and Families.

The term "member of the clergy" is defined 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 church, religious denomination, religious body, spiritual community, or sect, whether acting in an individual capacity or as an employee, agent, or official of any public or private organization or institution.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The concept behind this bill is to protect children. Mandatory reports are required to report suspected abuse or neglect. These people are in a position of trust. One in 4 girls and 1 in 13 boys are estimated to have experienced child abuse and more than 550,000 children are known to be abused. It can be argued that everyone should be a mandated reporter.

Many states require members of the clergy to report child abuse and neglect.

Confession shields two criminals, the perpetrator and the confessor who has become an accomplice by not reporting. The responsibility to report crimes to children belongs to all of us. Everyone should be a mandated reporter of criminal child abuse.

There is so much abuse happening in the world. Any action we can take to reduce that abuse is worth taking. The confessional has not always been a safe place for children. Often abuser priests have been free to harm children with the seal of confession protecting the priest and not the child.

Clergy should aim to protect children and not pedophiles.

Knowledge that priests were sexually assaulting minors during confession is documented as early as 1561.

The only people who need to worry about information being shared during confession are child abusers. The cloak of secrecy that has fueled this epidemic of abuse should be removed.

Parishioners expect to arrive at church to find a safe place. However, not all parishioners are granted that privilege, especially the children that are suffering abuse in the confines of their own home.

Priests and clergy members should be held to the same standard as law enforcement, teachers, and doctors as they are also important members of our community.

Children in Washington are stuck in a terrible position.

There is a time and a place to intervene, even with churches, in an important matter like this bill does.

Families will not suffer as much if priests were mandatory reporters.

Practicing sacred beliefs is important, but not at the expense of children.

A goal of religious establishments is to create trustworthy people, but this should not happen at the expense of protecting children.

This is not just a Catholic issue. Any internal investigation can be considered a confession equivalent. In the Jehovah's Witness faith, their policies require that elders report allegations of abuse directly to their organization headquarters, and conduct their own investigations, keeping records from authorities.

The Jehovah's Witness faith has a two-person rule that requires an additional witness to the abuse be found before it is considered credible and victims are subjected to judicial committees led by elders, where they are questioned in an attempt to get to the truth of an accusation. Many times the victims are not believed, and even at risk of being excommunicated from the religious community, while the abuser faces no consequences.

The history of Jehovah's Witnesses shows that they only change their practice when forced to.

This bill is years in the making and long overdue.

There are numerous states that have shown that this is constitutional.

Priests have been told by religious officials about child abuse that has occurred during confession and have not taken action to prevent these individuals from rising in rank within the church in positions with access to children.

History is clear, the only protective changes that churches have made have been based on legal reforms and lawsuits.

Confession is a human made construct that can be changed.

No law that hides or protects criminals should be considered a good law. In order for justice to be done, the truth must be shared. No valid freedom of religion argument rooted in the absence of truth and justice can provide moral justification for sheltering perpetrators of abuse or neglect of children.

Doctors and other medical personnel are mandated reporters in most states without an exception for physician-patient privilege.

This bill is not about attacking religious freedom.

In California there is an exemption to the mandated reporting requirement for clergy for confession. The Jehovah's Witness handbook requires that someone contact their legal counsel if they suspect abuse or neglect instead of the authorities. Because of the loophole in the California law, the mandated reporting law does not work.

The Jehovah's Witness religion will use the confession exemption to protect all individuals within the church.

If you keep doing what you're doing, you get what you have gotten.

(Opposed) This bill will not prevent child abuse. Just as the legal profession reacted harshly to the breach of promise to clients. There is no reason to believe that clergy will bend to a statutory command and become mandatory reporters of wrongdoing when knowledge of such wrongdoing was obtained in a confidential setting.

The similarity between clergy and other professionals who obtain confidential communication reveals the constitutional infirmity of this bill. State law recognizes privileged communication in other contexts, and by singling out clergy for exclusion from this list, adoption of this bill would violate both state and federal constitutions, just as in the *Sprague* case.

This bill is both bad public policy and likely to be found unconstitutional.

There are only six states that do not provide an exemption to the mandated reporting requirement for penitential communications.

We ask simply that this bill follow the majority of states which also protect the sacrament of confession.

While 28 States require clergy reporting there are only 6 that take the extreme position of denying the clergy-penitent privilege by stripping away the clergy privilege while still protecting the attorney-client privilege.

Adopting this policy would imply that those who can pay for a privilege are allowed to speak freely with a trusted advisor, despite constitutional protections.

Much of the debate is focused on actions occurring in the Catholic Church in the fifties, through the seventies, before any mandatory reporting laws. There have been many changes in church policies since then that have been implemented that include an exemption for confidential communications. This recognizes that priests today know how to move conversations about abuse out of the confessional and into a reportable context, and recognizes that discouraging parishioners from talking with their priests is likely to result in abuse continuing, including young victims who may go in thinking they've done something wrong and will never learn that they're not to blame because they're afraid to confess to the priest.

We agree with the spirit of this legislation. The church has failed the victims of abuse.

All priests are mandatory reporters except for the sacrament of confession.

The sex abuse scandal was an earthquake in the history of the Catholic church, however, the church's zero tolerance policy, and safe environment programs enacted later have made the church a leader. Other organizations, including our public schools, can learn from the church.

All employees, volunteers, and priests in the Catholic Church are trained in safe environment and are mandatory reporters. The only exception is the sacrament of reconciliation, also known as the rite of penance. The seal of confession is inviolable. A priest cannot and will not break it. The consequence of breaking it worldwide is excommunication, and cannot change locally.

This bill makes children less safe and not more safe. This bill will likely result in priests only hearing confessions anonymously behind a screen, with no face to face option, which prevents priests from being able to identify kids who are in trouble, or for an abuser to see how serious we are, with the expectation that they turn themselves in.

Priests who break the seal of confession are excommunicated. There are number of other professions which maintain their privilege, like attorneys.

The bill has a good goal. This is a blanketly unconstitutional policy.

Persons Testifying: (In support) Representative Jamila Taylor; Robert Fontana; Lori Fontana; Sharon Huling, Clergy Accountability Coalition; Mary Dispenza, Clergy Accountability Coalition; Chris Dormaier, Clergy Accountability Coalition; Rev. James Connell; Mitch Melin, Clergy Accountability Coalition - Former Jehovah's Witness; Lily Cheung; Carson Suyetsugu; Annelise Orozco; Ryu Hoshino; Michelle Sung; Gavin Callahan; Ryan Dudley, FFRF Action Fund; Kiersten Larson, Clergy Accountability Coalition ; Rachel Fisher, Clergy Accountability Coalition; Andrew Fox, JW (Former Elder); Sara Young, JW; Kristiana de Leon, Association of Secular Elected Officials; Toni Napoli Roy; Terrence Carroll, healourchurch.org; Colleen Kinerk, healourchurch.org; Clark Kimerer, healourchurch.org; Alex Ashley; and Toni Roy, Heal Our Church.

(Opposed) Jean Hill, Washington State Catholic Conference; Bishop Frank Schuster, Archdiocese of Seattle; David DeWolf; Theresa Schrempp; and Eric Kniffin, Ethics and Public Policy Center.

Persons Signed In To Testify But Not Testifying: None.