

# HOUSE BILL REPORT

## SB 5375

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**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:** Senators Frame, Wilson, C., Bateman, Dhingra, Nobles and Valdez.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 3/14/25, 3/19/25 [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.

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### 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:** Without recommendation. Signed by 3 members: Representatives Eslick, Ranking Minority Member; Burnett, Assistant Ranking Minority Member; Dent.

**Staff:** Luke Wickham (786-7146).

**Background:**

*Mandatory Reporting of Child Abuse and Neglect.*

State law identifies certain individuals as having a requirement to report child abuse or

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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.

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**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 entity or to the Department of Children, Youth, and Families.

Members of the clergy are not exempted from the mandatory reporting requirement for information obtained solely as a result of a communication that is privileged.

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.

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**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) This bill requires members of the clergy to report child abuse and neglect regardless of where that person gets this information.

This bill is identical to the bill that passed this committee earlier this year and the bill that passed the House two years ago on a 75-20 bipartisan basis.

This bill only relates to the requirement to report child abuse and neglect, but does not modify any requirements about the prosecution of those offenses.

This bill is about separation of church and state. This state has the upmost duty to protect children, which is supported by case law. This state does not have to be complicit when religious communities attempt to cover up abuse. Washington is one of five states left that does not have a mandated reporting requirement. Religious organizations can change their policies and practices to adapt to this requirement.

People have testified that this bill removes the clergy-penitent privilege, but this bill does not do that. Spouses do have to testify against their spouse when child abuse is at issue. Lawyers have limits to their confidentiality as well.

Some religions prohibit reporting of incidents that reflect poorly upon those religions.

This law is not intended to put clergy in jail, but to raise the standards to protect children.

Sexual abuse of children remains a clear and present danger. Prevention programs have helped this, but the scourge of sexual abuse has not gone away.

A large body of documented evidence shows that child victims of sexual abuse do not timely report this abuse. Second, the vast majority of perpetrators are serial offenders. One report will help stop these offenders.

The precise and narrow requirement in this legislation will do more to protect children than any prevention programs.

Clergy members have been told about sexual abuse, including rape, that have allowed abusers to continue raping children.

Priests should be made mandated reporters and hold perpetrators accountable. Secrecy is not the answer.

No priest has been arrested, let alone jailed, for this reporting requirement. Individuals have indicated that the Catholic Church will excommunicate priests for breaking canon law and following this legislation to report child abuse or neglect allegations that were discovered during confession. Ironically, no church law excommunicates a priest for sexual abuse of children.

This bill doesn't require predators to come forward, but requires that children get the help they need.

This bill would help make churches a safe haven for children.

The secrets of pedophiles should never be prioritized above children.

High control religious groups abuse the clergy-penitent privilege to avoid reporting in states where this is allowed.

There are already exceptions to testimonial privilege regarding child abuse or neglect.

Clergy members have known about abuse for years and allowed that abuse to continue. This bill would change that.

This bill is very important to thousands of children across the country who are victims of child abuse. This is a matter of morals. There were over 42,000 cases of child abuse and

neglect last year that were investigated.

The Washington Constitution provides absolute freedom of conscience in religion, but this doesn't allow for acts of licentiousness.

The safety and mental stability of children should not be put in harm's way to maintain certain religious practices.

This bill will help keep children from harm.

(Opposed) There is support for including clergy as mandated reporters. However, Washington should not become one of the six states that has no exception to this reporting requirement. The narrow exemption for confession has worked for the majority of states.

This bill takes away the right of absolute religious freedom for individuals participating in confession. This is unnecessary to the goals of this legislation.

This bill creates a double standard which would discriminate against the one testimonial privilege in our state based on religious speech and the free exercise of religion. That double standard should be eliminated. There are testimonial privileges related to secular vocations or relationships, and one related to a religious vocation: the clergy. The state's existing mandatory reporter law provides equal protection for all 11 privileges. But the current version of this bill singles out clergy for inequitable treatment, eliminating only the clergy, penance, and privilege, while leaving the other 10 intact. Several testimonial privileges utilize conditional language that allow disclosure where there is a clear risk of future harm. Similar language should be added to this bill for the clergy-penitent privilege.

Children are encouraged to tell certain adults about wrongdoing. Eliminating clergy from the number of people that children can trust is not good.

This measure is opposed to the extent that it involves information provided to priests during the sacrament of confession.

Priests who disclose a statement during confession are excommunicated from the Catholic Church.

An attorney that reveals that their client has been sexually abusing his children is exempt from the disclosure requirement. Incredibly, the Legislature is now in the process of passing a different bill, which actually expands the attorney client privilege to non-attorneys.

This is a textbook violation of the due process clause of the Constitution.

**Persons Testifying:** (In support) Senator Noel Frame, prime sponsor; Sharon Huling, Clergy Accountability Coalition; Colleen Kinerk, Heal Our Church and Clergy Accountability Coalition; Mary Dispenza, Survivors of those Abused by Priests (SNAP) and Clergy Accountability Coalition; Tim Law, Catholic Accountability Project and Clergy Accountability Coalition; Sara Young, Clergy Accountability Coalition and JW; Angela Taylor; Lily Cheung, Lake Washington High School; Carson Suyetsugu, Lake Washington High School; Annelise Orozco, Lake Washington High School; Marino Hardin; Ryu Hoshino, Lake Washington High School; Gavin Callahan, Lake Washington High School; and Michelle Sung, Lake Washington High School.

(Opposed) Jean Hill, Washington State Catholic Conference; John Axtell; Theresa Schrempp; and Luke Esser, Washington State Catholic Conference.

**Persons Signed In To Testify But Not Testifying:** Alex Ashley; Reverend Juli Prentice; Bea Stull; Steve Snider; McKenzie Raynor; Rev. James Connell; Kristiana de Leon, Association of Secular Elected Officials; Andrew Fox; Maivi Vuong; Simone L'Amour, XJW CSA Survivors; Paris Apodaca, Washington State Young Republicans; Jaimee Saling; and Sandra Ewaskow.