

SENATE BILL REPORT

SB 5375

As Reported by Senate Committee On:
Human Services, February 5, 2025

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: Human Services: 1/28/25, 2/05/25 [DP, DNP].

Brief Summary of Bill

- Requires members of the clergy be mandated reporters of child abuse and neglect.
- Modifies the privileged communication exception for reporting child abuse and neglect to exclude members of the clergy.
- Defines members of the clergy.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

Minority Report: Do not pass.

Signed by Senators Christian, Ranking Member; Warnick.

Staff: Alison Mendiola (786-7488)

Background: Mandated Reporting. In Washington, mandatory reporting laws require certain people to report child abuse or child neglect, or cause a report to be made to the

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Department of Children, Youth, and Families (DCYF) or the proper law enforcement agency.

Mandated reporters include:

- county coroners or medical examiners;
- employees of DCYF;
- health practitioners;
- medical examiners;
- registered or licensed nurses;
- law enforcement officers;
- professional school personnel;
- social service counselors;
- psychologists;
- pharmacists;
- licensed or certified child care providers or their employees;
- juvenile probation officers;
- placement and liaison specialists;
- responsible living skills program staff;
- Department of Social and Health Services employees;
- HOPE Center staff;
- the Family and Children's Ombuds (Ombuds), its employees and volunteers; and
- host home providers.

Mandated reporting requirements are also extended to:

- Department of Corrections personnel;
- guardians ad litem;
- court appointed special advocates;
- administrative, academic, or athletic departmental employees, including student employees, of institutions of higher learning; or
- any adult who has reasonable cause to believe a child who resides with them has suffered severe abuse.

Any other person who has reason to believe child abuse or child neglect has occurred may report this information.

When any person in an official supervisory capacity with a nonprofit or for-profit organization has reasonable cause to believe a child has suffered abuse or neglect caused by a person over whom they regularly exercise supervisory authority, that person shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children, or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service.

A mandated reporter must report at the first opportunity, but no longer than 48-hours after there is reasonable cause to believe that a child suffered abuse or neglect. The report is to include the identity of the accused, if known. Failing to report suspected child abuse or child neglect within 48-hours is considered a gross misdemeanor.

Privileged Communication. No one is required to report child abuse and neglect when the information is obtained solely as a result of a privileged communication that would not compel that person to testify as a witness in any action or proceeding. A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of the person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in their professional character, in the course of discipline enjoined by the church to which he or she belongs.

"Clergy" means any regularly licensed, accredited, or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent.

Summary of Bill: Members of the clergy are mandated reporters of child abuse and neglect. Except for members of the clergy, no one shall be required to report child abuse or neglect when that information is obtained solely as a result of a privileged communication.

"Member of the clergy" means 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.

The previous definition of clergy is struck.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill came about because clergy are not mandated reporters. This bill should passed without any exemptions for clergy, as this is about all the children who have been abused or neglected that we didn't protect in the name of religious freedom. Previous legislation included an exemption for confession but died in a nonpartisan way. Children need to know they can trust adults. We are one of five states

that doesn't require clergy to report. Confession was only made private in the 1300's in a scandal related to priests. Very few pedophile priests have been excommunicated so the only people who need to worry are child rapists and abusers. We need to lift the cloak of secrecy. Current law protects perpetrators. Why would any religion want keep child abuse a secret? It's our duty to protect children. This bill is not about taking away religious freedom, it's about closing a loophole. The seal of confession is not an excuse. The attorney general's investigation found that there was a higher rate of abuse than what was reported by a church. Religions should not be able to police themselves when it comes to abusing children. Some religions are very insular, everyone you see is from the same religion and this is on purpose allowing the religion to control every aspect of your life. A church can change canon law, a state can change state law. We are talking about crimes against children, it needs to be reported whether you're inside or outside confession. Any law that hides and protects criminals and hurts kids is immoral. This bill does not infringe on religious freedoms but ensures no one is above the law. This is not an anti-religion bill.

CON: Our country as whole is one where government stays out of our business. Confession exists so an abuser will go to their clergy for help. Mandatory reporting is not the answer. Boundary violations are a bigger issue, we need to help adults establish property boundaries. The Pope can't change this, this protection comes from the Lord. Requiring clergy to report what they learn in confession violates their constitutional rights to practice their religion. The federal and state constitutions allow people to practice their religion.

Persons Testifying: PRO: Senator Noel Frame, Prime Sponsor; Rev. James Connell; Sharon Valdés Huling, Clergy Accountability Coalition; Mary Dispenza, Clergy Accountability Coalition; Kiersten Larson, Clergy Accountability Coalition; Chris Dormaier; Ryan Dudley, FFRF Action Fund; Sara Young, Representative as a former Jehovah's Witness; Mitch Melin; Kristiana de Leon, Association of Secular Elected Officials; Rachel Fisher; Piper Bollander, Former Jehovah's Witness.

CON: Jean Hill, Washington State Catholic Conference; Bishop Frank Schuster, Archdiocese of Seattle; Theresa Schrempp.

Persons Signed In To Testify But Not Testifying: No one.