

JAN 24 2003
HUMAN RESOURCES

HOUSE FILE 57
BY McCARTHY, KRAMER, MURPHY,
and JENKINS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring members of the clergy to be mandatory reporters
2 of child abuse under certain circumstances.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HF 57

1 Section 1. Section 232.69, subsection 1, paragraph b, Code
2 2003, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (13) A member of the clergy. However,
4 if the belief that a child has suffered abuse arises from
5 information obtained during a penitential communication, the
6 clergy member is not subject to the requirement to make the
7 report. For the purposes of this subparagraph, "penitential
8 communication" means a communication intended to be in
9 confidence, including but not limited to a sacramental
10 confession made to a clergy member who, in the course of the
11 discipline or practice of the clergy member's church,
12 denomination, or organization, is authorized to hear those
13 communications, and under the discipline, practice, tenets, or
14 customs of the church, denomination, or organization, the
15 clergy member has the duty to keep the communication secret.
16 This subparagraph shall not be construed to modify or limit a
17 clergy member's duty to report the belief that a child has
18 been abused when the clergy member is acting in some other
19 capacity that would otherwise make the clergy member a
20 mandatory reporter of abuse.

21 Sec. 2. Section 232.69, subsection 3, paragraph b, Code
22 2003, is amended to read as follows:

23 b. A person required to make a report under subsection 1,
24 other than a physician whose professional practice does not
25 regularly involve providing primary health care to children or
26 a member of the clergy, shall complete two hours of training
27 relating to the identification and reporting of child abuse
28 within six months of initial employment or self-employment
29 involving the examination, attending, counseling, or treatment
30 of children on a regular basis. Within one month of initial
31 employment or self-employment, the person shall obtain a
32 statement of the abuse reporting requirements from the
33 person's employer or, if self-employed, from the department.
34 The person shall complete at least two hours of additional
35 child abuse identification and reporting training every five

1 years.

2

EXPLANATION

3 This bill requires members of the clergy to be mandatory
4 reporters of child abuse under certain circumstances.

5 Members of the clergy are added to the list of those who
6 are mandatory reporters of child abuse in Code section 232.69.

7 An exception to the requirement applies if due to information
8 obtained during a penitential communication a clergy member

9 comes to believe a child has suffered abuse. "Penitential
10 communication" is defined as communication intended to be in

11 confidence to a clergy member who is authorized to hear and
12 has a duty to keep secret such communication in accordance

13 with the discipline, tenets, customs, or practices of the
14 clergy member's church, denomination, or organization.

15 Current law requires a mandatory reporter of child abuse to
16 complete two hours of training relating to the identification

17 and reporting of child abuse every five years. The bill
18 provides an exception to this requirement for members of the

19 clergy.

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35