

FEB 6 2003
Place On Calendar

HOUSE FILE 156
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 57)

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:

HF 156

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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 only during a penitential communication,
6 the clergy member is not subject to the requirement to make
7 the report. This subparagraph shall not be construed to
8 modify or limit a clergy member's duty to report the belief
9 that a child has been abused when the clergy member is acting
10 in some other capacity that would otherwise make the clergy
11 member a mandatory reporter of abuse. For the purposes of
12 this subparagraph, unless the context otherwise requires:

13 (a) "Clergy member" or "member of the clergy" means an
14 individual who by ordination, licensing, or other form of
15 entitlement, as recognized by the religious group or sect with
16 whom the individual is affiliated, is authorized to provide
17 pastoral care and counseling to group or sect members and
18 others seeking such care and counseling.

19 (b) "Penitential communication" means a communication
20 intended to be in confidence, including but not limited to a
21 sacramental confession made to a clergy member who, in the
22 course of the discipline or practice of the clergy member's
23 religious group or sect, is authorized to hear those
24 communications, and under the discipline, practice, tenets, or
25 customs of the religious group or sect, the clergy member has
26 the duty to keep the communication secret.

27 Sec. 2. Section 232.69, subsection 3, paragraph b, Code
28 2003, is amended to read as follows:

29 b. A person required to make a report under subsection 1,
30 other than a physician whose professional practice does not
31 regularly involve providing primary health care to children or
32 a member of the clergy, shall complete two hours of training
33 relating to the identification and reporting of child abuse
34 within six months of initial employment or self-employment
35 involving the examination, attending, counseling, or treatment

1 of children on a regular basis. Within one month of initial
2 employment or self-employment, the person shall obtain a
3 statement of the abuse reporting requirements from the
4 person's employer or, if self-employed, from the department.
5 The person shall complete at least two hours of additional
6 child abuse identification and reporting training every five
7 years.

8 EXPLANATION

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

11 Members of the clergy are added to the list of those who
12 are mandatory reporters of child abuse in Code section 232.69.
13 An exception to the requirement applies if due to information
14 obtained only during a penitential communication a clergy
15 member comes to believe a child has suffered abuse.

16 "Member of the clergy" or "clergy member" is defined as a
17 person authorized by ordination, licensing, or other form of
18 entitlement of the religious group or sect with which the
19 person is affiliated to provide pastoral care and counseling
20 to the group, sect, or others. "Penitential communication" is
21 defined as communication intended to be in confidence to a
22 clergy member who is authorized to hear and has a duty to keep
23 secret such communication in accordance with the discipline,
24 tenets, customs, or practices of the clergy member's religious
25 group or sect.

26 Current law requires a mandatory reporter of child abuse to
27 complete two hours of training relating to the identification
28 and reporting of child abuse every five years. The bill
29 provides an exception to this requirement for members of the
30 clergy.

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HOUSE FILE 156

H-1017

1 Amend House File 156 as follows:
2 1. Page 1, by striking lines 13 through 18 and
3 inserting the following:
4 "(a) "Clergy member" or "member of the clergy"
5 means an individual who is designated as clergy by
6 ordination, licensing, or other form of entitlement by
7 the religious group or sect with whom the individual
8 is affiliated."

By BODDICKER of Cedar
ROBERTS of Carroll
SMITH of Marshall

H-1017 FILED FEBRUARY 18, 2003

HOUSE FILE 156

H-1016

1 Amend House File 156 as follows:
2 1. Page 2, line 7, by inserting after the word
3 "years." the following: "A member of the clergy is
4 encouraged to regularly complete child abuse
5 identification and reporting training and may contact
6 the Iowa department of public health for a referral to
7 the training programs and curricula approved in
8 accordance with this subsection."

By MASCHER of Johnson

H-1016 FILED FEBRUARY 17, 2003