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H.573

Introduced by Representatives Cross of Winooski, Campion of Bennington,
Cole of Burlington, Fay of St. Johnsbury, French of Randolph,
Jerman of Essex, Krowinski of Burlington, Miller of
Shaftsbury, Rachelson of Burlington, Spengler of Colchester,
Till of Jericho, and Townsend of South Burlington

Referred to Committee on

Date:

Subject: Human services; child welfare services; reporting child abuse and
neglect; clergy exemption

Statement of purpose of bill as introduced: This bill proposes to repeal the
clergy exemption which allows a member of the clergy to refrain from making
an otherwise mandatory report of child abuse if the following conditions are
met: the information received is 1) based only on a communication that is
made to the member while acting in his or her capacity as spiritual advisor;
2) intended by the parties to be confidential at the time the communication is
made; 3) intended by the communicant to be an act of contrition or matter of
conscience; and 4) required to be confidential by religious law.

An act relating to the repeal of the clergy exemption to the reporting statute
concerning child abuse and neglect

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 33 V.S.A. § 4913 is amended to read:

3 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL

4 ACTION

5 (a) Any physician, surgeon, osteopath, chiropractor, or physician assistant
6 licensed, certified, or registered under the provisions of Title 26, any resident
7 physician, intern, or any hospital administrator in any hospital in this State,
8 whether or not so registered, and any registered nurse, licensed practical nurse,
9 medical examiner, emergency medical personnel as defined in 24 V.S.A.
10 § 2651(6), dentist, psychologist, pharmacist, any other health care provider,
11 child care worker, school superintendent, headmaster of an approved or
12 recognized independent school as defined in 16 V.S.A. § 11, school teacher,
13 student teacher, school librarian, school principal, school guidance counselor,
14 and any other individual who is employed by a school district or an approved
15 or recognized independent school, or who is contracted and paid by a school
16 district or an approved or recognized independent school to provide student
17 services, mental health professional, social worker, probation officer, any
18 employee, contractor, and grantee of the Agency of Human Services who have
19 contact with clients, police officer, camp owner, camp administrator, camp
20 counselor, or member of the clergy who has reasonable cause to believe that
21 any child has been abused or neglected shall report or cause a report to be

1 made in accordance with the provisions of section 4914 of this title within
2 24 hours. As used in this subsection, "camp" includes any residential or
3 nonresidential recreational program.

4 * * *

5 (g) ~~Except as provided in subsection (h) of this section, a~~ A person may not
6 refuse to make a report required by this section on the grounds that making the
7 report would violate a privilege or disclose a confidential communication.

8 (h) ~~A member of the clergy shall not be required to make a report under~~
9 ~~this section if the report would be based upon information received in a~~
10 ~~communication which is:~~

11 (1) ~~made to a member of the clergy acting in his or her capacity as~~
12 ~~spiritual advisor;~~

13 (2) ~~intended by the parties to be confidential at the time the~~
14 ~~communication is made;~~

15 (3) ~~intended by the communicant to be an act of contrition or a matter of~~
16 ~~conscience; and~~

17 (4) ~~required to be confidential by religious law, doctrine, or tenet.~~

18 [Repealed.]

19 (i) ~~When a member of the clergy receives information about abuse or~~
20 ~~neglect of a child in a manner other than as described in subsection (h) of this~~
21 ~~section, he or she is required to report on the basis of that information even~~

1 ~~though he or she may have also received a report of abuse or neglect about the~~
2 ~~same person or incident in the manner described in subsection (h) of this~~
3 ~~section. [Repealed.]~~

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2014.