

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 622 entitled “An act relating to obligations for reporting child abuse and
4 neglect and cooperating in investigations of child abuse and neglect”
5 respectfully reports that it has considered the same and recommends that the
6 bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

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

9 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL
10 ACTION

11 * * *

12 (c) Any mandated reporter who reasonably suspects abuse or neglect of a
13 child shall report in accordance with the provisions of section 4914 of this title
14 within 24 hours of the time information regarding the suspected abuse or
15 neglect was first received or observed. A mandated reporter who reasonably
16 suspects abuse or neglect of a child, and who has confirmed that the same
17 incident of suspected abuse or neglect was already reported, is not required to
18 report that same incident of suspected abuse or neglect if the mandated reporter
19 is reasonably certain that there is no additional information to report.

20 * * *

1 (h)(1) A person who violates subsection ~~(a)~~(c) of this section shall be fined
2 not more than \$500.00.

3 (2) A person who violates subsection ~~(a)~~(c) of this section with the
4 intent to conceal abuse or neglect of a child shall be imprisoned not more than
5 six months or fined not more than \$1,000.00, or both.

6 (3) This section shall not be construed to prohibit a prosecution under
7 any other provision of law.

8 (i) Except as provided in subsection ~~(h)~~(j) of this section, a person may not
9 refuse to make a report required by this section on the grounds that making the
10 report would violate a privilege or disclose a confidential communication.

11 (j) A member of the clergy shall not be required to make a report under this
12 section if the report would be based upon information received in a
13 communication which is:

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

16 (2) intended by the parties to be confidential at the time the
17 communication is made;

18 (3) intended by the communicant to be an act of contrition or a matter of
19 conscience; and

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

1 (k) When a member of the clergy receives information about abuse or
2 neglect of a child in a manner other than as described in subsection ~~(h)~~(j) of
3 this section, he or she is required to report on the basis of that information even
4 though he or she may have also received a report of abuse or neglect about the
5 same person or incident in the manner described in subsection ~~(h)~~(j) of this
6 section.

7 Sec. 2. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT
8 COMMITTEE; 2016 INTERIM RESPONSIBILITIES; PRIVILEGED
9 COMMUNICATIONS

10 During the 2016 legislative interim, the Joint Legislative Child Protection
11 Oversight Committee shall:

12 (1) review issues related to patient privilege, confidentiality of patient
13 records and information, and the statutes and rules governing professional
14 conduct; and

15 (2) analyze the extent to which those professional obligations identified
16 in subdivision (1) interfere with the ability of certain professional mandated
17 reporters to cooperate with the Department for Children and Families, law
18 enforcement, and prosecutors during an ongoing child protection assessment,
19 investigation, or proceeding.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.

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7 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE