



4-1-1986

Panel–Conflicts in Confidentiality: Child Abuse and Other Issues

Burton C. Kelly

Follow this and additional works at: <https://scholarsarchive.byu.edu/irp>

Recommended Citation

Kelly, Burton C. (1986) "Panel–Conflicts in Confidentiality: Child Abuse and Other Issues," *Issues in Religion and Psychotherapy*. Vol. 12 : No. 1 , Article 3.

Available at: <https://scholarsarchive.byu.edu/irp/vol12/iss1/3>

This Article or Essay is brought to you for free and open access by the Journals at BYU ScholarsArchive. It has been accepted for inclusion in *Issues in Religion and Psychotherapy* by an authorized editor of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.

PANEL—CONFLICTS IN CONFIDENTIALITY: CHILD ABUSE AND OTHER ISSUES

Burton C. Kelly

The following four papers are addresses given in a panel presentation and discussion at the AMCAP Convention, Friday, October 4, 1985. The 1986 General Session of the Forty-sixth Legislature of the State of Utah made changes in Title 78, Chapter 3b (Reporting Child Abuse or Neglect Act), effective April 28, 1986, which resolved a major issue the panel discussed, that is, whether a clergyman or priest needed to report an incident of child abuse or neglect received in an official confession made by the perpetrator of the act. However, it was decided to still include the panelists' presentations because of the many insightful comments made on the issue of clergymen reporting, because of comments on other related issues and because a number of our AMCAP readers may have within their states child abuse and neglect reporting acts which are unclear on the issue of clergymen reporting confessional information.

Because of its relevance to these presentations, Title 78, Chapter 3b of the Utah Code (as amended) follows:

78-3b-3. Neglected or abused child—Duty to notify— Exception.

(1) Whenever any person including, but not limited to, persons licensed under the Medical Practice Act or the Nurse Practice Act, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or one who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the division. On receipt of this notice, the peace officer or law enforcement agency shall immediately notify the nearest office of the division. If an initial report of abuse or neglect is made to the division and the abuse or neglect has caused serious injury, the division shall immediately notify the local law enforcement agency.

(2) The notification requirements of Subsection (1) do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs, if:

(a) the confession was made directly to the clergyman or priest by the perpetrator; and

(b) the clergyman or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

(3) If a clergyman or priest receives information about abuse or neglect from any source other than confession of the perpetrator, he is required to give notification on the basis of that information even though he may have also received a report of abuse or neglect from the confession of the perpetrator. Exemption of notification requirements for a clergyman or priest does not exempt such person from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

1986

Effective April 28, 1986.