

## Legal Duties of Clergy

*continued*

### **The Utah Child Abuse Reporting Law does not apply under certain circumstances.**

- ï The information must come only from the perpetrator to be exempt. Information from a third party, even if the perpetrator made an exempt communication of the same information, must be reported.
- ï The cleric must be acting in his professional character at the time the cleric receives the information. The law exempts only clerics who obtain information while performing their religious functions. Clerics who obtain information in other circumstances are not exempt from the reporting requirement.
- ï To be an exempt communication, it must be made confidentially to the cleric person with expectation the information will not be disclosed to third persons not present at the time of the discussion.
- ï The information must be obtained "in the course of discipline enjoined by the church to which he belongs". The communication must be made to the cleric in his or her religious capacity. Also, the communication must be necessary and proper for the cleric's office according to the usual course of practice or discipline.
- ï The cleric must have a religious duty to keep the information confidential.  
*Utah Code Ann. 62A-4a-403(2) (1999)*

If any of these conditions are not satisfied, the cleric, like any other individual, must report abuse or neglect any time she/he has reason to believe abuse is occurring.

In addition, the cleric's exemption can be lost if the perpetrator consents to the report, or if the cleric hears about the abuse, at any time, from another source, such as the victim.



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# Reporting Child Abuse

A Guide For Utah Clergy



## Legal Duties of Clergy

### Utah Child Abuse Reporting Law

The law requires:

- ï any person who has reason to believe a child has been subjected to abuse or neglect to immediately notify the nearest Utah Division of Child and Family Services or law enforcement agency.
- ï any person who observes a child being subjected to conditions that would result in abuse or neglect to immediately notify the nearest Utah Division of Child and Family Services or law enforcement agency. *(continued on back)*

Failure to obey this law constitutes a class "B" misdemeanor and is punishable by up to six-months in jail and/or a \$1,000 fine. *Utah Code Ann. 62A-4a-411 (1994)*



## Indicators of Child Abuse

**If a child talks about being abused, take him or her seriously. Some possible indicators of abuse may include:**

### Physical Abuse

*Physical Indicators*

- ï unexplained bruises
- ï unexplained burns
- ï confinement
- ï unexplained welts

### Sexual Abuse

*Physical Indicators*

- ï bed-wetting
- ï soiling
- ï chronic constipation

### Emotional Abuse

*Physical Indicators*

- ï delayed physically
- ï ulcers
- ï developmental lags
- ï habit disorders

### Neglect

*Physical Indicators*

- ï abandonment
- ï thin, starvation
- ï lack of supervision
- ï lack of medical care
- ï frequent absent or tardy
- ï poor hygiene

*Behavioral Indicators*

- ï easily frightened
- ï wary of physical contact
- ï afraid to go home
- ï destructive to others or self

*Behavioral Indicators*

- ï withdrawal or depression
- ï passive behavior
- ï aggressive behavior
- ï poor self esteem
- ï lack of eye contact with adults
- ï knowledge of sexual acts beyond their years

*Behavioral Indicators*

- ï poor self esteem
- ï difficulty expressing feelings
- ï problems with relationships

*Behavioral Indicators*

- ï steals, begs
- ï self destructive
- ï failure to thrive

## It Happens Too Often

### 2007 Child Abuse Statistics

- ï Four to five children die every day in the U.S. because of child abuse.
- ï 20,340 child abuse cases were reported to Utah DCFS.
- ï 8,386 of those referrals were substantiated.
- ï Sexual abuse had a higher reporting rate than any other type of abuse.

## Help Stop Child Abuse

### Alert clergy can help!

Clergy can identify the early signs and symptoms of child abuse and take the first step toward helping children and families.

If you have questions regarding your official duties, contact your faith's leadership.

Remember, you only need to have reason to believe abuse has occurred. Contact your local DCFS or law enforcement.

With your help, we can make a difference!