



West's Utah Code Annotated [Currentness](#)

Title 62A. Utah Human Services Code

[Chapter 4A](#). Child and Family Services

[Part 4](#). **Child Abuse or Neglect Reporting Requirements**

→§ 62A-4a-403. Reporting requirements

(1) Except as provided in Subsection (2), when any person including persons licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 31b, 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 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 child abuse or neglect is made to the division, the division shall immediately notify the appropriate local law enforcement agency. The division shall, in addition to its own investigation, comply with and lend support to investigations by law enforcement undertaken pursuant to a report made under this section.

(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)(a) When 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.

(b) Exemption of notification requirements for a clergyman or priest does not exempt a clergyman or priest from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

Laws 1988, c. 1, § 109; [Laws 1993, c. 147, § 1](#); [Laws 1994, c. 214, § 1](#); [Laws 1994, c. 260, § 48](#); [Laws 1999, c. 21, § 69, eff. May 3, 1999](#).

Codifications C. 1953, § 62A-4-503.

CROSS REFERENCES

Communicable diseases, confidential information and exceptions, see [§ 26-6-27](#).

Juvenile court legal records, disclosure and sharing, see [Jud. Admin., Rule 4-202.03](#).

Juvenile records, inspection, see [§ 78-3a-206](#).

Limitation of therapist's duty to warn, see [§ 78-14a-102](#).


Sexual assault counselors, disclosure of confidential communications, see [§ 78-3c-4](#).

LAW REVIEW AND JOURNAL COMMENTARIES

Bailey, [How Secrets Are Kept: Viewing the Current Clergy-Penitent Privilege Through a Comparison with the Attorney-Client Privilege](#), 2002 B.Y.U. L. Rev. 489 (2002).

Gunnerson, Case Note: *Franco v. The Church of Jesus Christ of Latter-day Saints*: The Constitutionality of Clergy Malpractice Claims, 4 J.L. & Fam. Stud. 175 (2002).

LIBRARY REFERENCES

Infants  13.5(1).
Westlaw Key Number Search: 211k13.5(1).

UNITED STATES SUPREME COURT


Child abuse, *Reporting,*


Due process, state duty to protect child from parental abuse, see [DeShaney v. Winnebago County Dept. of Social Services](#), U.S.Wis.1989, 109 S.Ct. 998, 489 U.S. 189, 103 L.Ed.2d 249.

NOTES OF DECISIONS



Due process 2 **Qualified immunity 1**

1. Qualified immunity

Qualified immunity provided by **child abuse reporting** statute must not be given broader interpretation than is necessary to effectuate its purposes; to do otherwise would be to sanction potentially widespread libel. U.C.A.1953, 62A-4-510. [Allen v. Ortez](#), 1990, 802 P.2d 1307. Libel And Slander  44(1)

Narrow purpose of qualified immunity provided by **child abuse reporting** statute is to facilitate detection, investigation, prosecution, and prevention of **child abuse** by governmental agencies charged with those responsibilities; its purpose is not to require, much less immunize, general dissemination of allegations of **child abuse**, one of most defamatory charges that can be made against anyone. U.C.A.1953, 62A-4-503, 62A-4-510, 62A-4-511. [Allen v. Ortez](#), 1990, 802 P.2d 1307. Libel And Slander  44(1)

2. Due process

Assuming that police officer reported to Utah Division of Child and Family Services (DFS) that she had reason to believe that day care provider abused a child before officer knew that the child had explicitly accused provider, this would not demonstrate that officer acted with reckless disregard for the truth, so as to support due process claim against officer, where officer was obligated by state statute to notify DFS "immediately" when she had "reason to believe" abuse had occurred, and DFS had the responsibility of evaluating reports. [U.S.C.A. Const.Amend. 14](#); U.C.A.1953, 62A-4a-403, [62A-4a-409\(1\)](#), [62A-4a-410](#), [62A-4a-411](#). [Devlin v. Smalley](#), 1998, 4 F.Supp.2d 1315. Constitutional Law  274(5); Municipal Corporations  747(3)

U.C.A. 1953 § 62A-4a-403, UT ST § 62A-4a-403

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