

CONFESSION

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law requiring them to break the seal of the sacrament.

They spoke out in late February after bills were introduced that would require a priest to report information of child sex abuse learned in confession unless the penitent in question was the perpetrator. Church law allows no such distinctions, saying simply that the priest is "absolutely forbidden" to betray any penitent.

In the uproar that followed public opposition by the two cardinals, the Senate Judicial Proceedings Committee rejected the Senate bill unanimously Feb. 28. An identical bill in the House of Delegates was withdrawn.

The proposed Maryland bills also would have conflicted with another church law requiring secrecy on the part of an interpreter or any other third party who hears someone confessing sins sacramentally. The bills would make any third party a mandated reporter if part of the confession involved information about child abuse.

Two different bills were introduced in January in the Kentucky Legislature. In the Senate, SB51 sought an exception to the clergy-penitent privilege in the case of child sexual abuse "when the penitent is another member of the clergy." In the House, HB58 would retain the general clergy privilege of confidentiality except for "any communication relating to the neglect or abuse of a minor child."

The Kentucky Catholic Conference opposed both measures. In testimony before the Senate Judiciary Committee, the conference's executive director, Vincent E. Senior, called the proposals an assault on the First Amendment's protection of the free exercise of religion.

"The confidentiality of the confessional is at the very heart of the Catholic faith and must not be infringed upon by state government," he said. "If this legislation passes, it would seriously damage the historical inviolability of the seal of confession."

Senior told CNS that testimony highlighting complex legal problems in both bills led to their being shelved for the Legislature's current regular session, but further hearings are planned before the next session.

New Hampshire already includes



A woman confesses to a priest at Blonia Park in Krakow, Poland, where Pope John Paul II celebrated Mass on Aug. 18, 2002.

priests and ministers as mandatory reporters of child abuse and says attorney-client privilege is the only exception to reporting requirements.

But a new bill in the state's House of Representatives, HB541, would amend state law on witness privilege in court to say the privilege given to confidential communication with a minister of religion acting in a professional capacity as confessor or spiritual adviser "shall not apply to the disclosure of information relative to suspected or confirmed child abuse."

In written testimony for a Feb. 11 hearing on the bill by the House's

Child and Family Law Committee, Diane Murphy Quinlan of the Manchester diocesan public policy office said the seal of confession is so sacred that a priest cannot violate it "even if doing so would save a life or further the ends of human justice."

Legislation requiring a priest to testify in violation of that seal would interfere with the constitutional "rights of Catholics to practice their religion," she said.

She stressed that the seal applies only to information learned in sacramental confession, not to anything discovered outside the sacrament, even if the priest learned the same

thing in the confessional.

Current Nevada law includes "a clergyman, practitioner of Christian science or religious healer" among mandated reporters of child abuse or neglect but adds the exception, "unless he has acquired the knowledge of the abuse or neglect from the offender during a confession."

Bill SB223, introduced in the Nevada Senate March 3, would strike that exception clause. Officials of the state's two dioceses, Reno and Las Vegas, immediately objected, saying a priest cannot violate the seal even if the state orders him to do so.

The bill introduced in the Florida House of Representatives March 4, H1321, would add clergy and ministers of religion to the list of mandated reporters of child abuse, abandonment and neglect. For such cases it would explicitly abrogate any right of privileged communications "between any member of the clergy ... and a person seeking spiritual counsel and advice."

McCarron, of the Florida Catholic Conference, said the conference "would vigorously work to have that provision" changed. He said that if an exception were made for the seal of confession, the conference would "probably not" oppose making clergy mandated reporters.

The state's seven dioceses already have a common policy "that's very clear on the requirement for priests and other employees to report any known or suspected child abuse, and we likely will not object to that provision and may even support that requirement" as state law, he said.

He said another bill — S606 in the Senate and the identical H629 in the House — would add those employed or supervised by religious institutions to the state's list of mandated reporters of child abuse.

According to the National Clearinghouse on Child Abuse and Neglect Information, the laws of North Carolina, Rhode Island and West Virginia as well as New Hampshire include clergy among mandated reporters of child abuse and allow the attorney-client privilege as the only exception to mandatory reporting requirements. The Texas child-abuse reporting law permits no exceptions for confidential or privileged communication, not even that of an attorney with his client.

Contributing to this story was George P. Matysek Jr. in Baltimore.

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