

To: House Committee on Judiciary
From: Michelle McCormick, Executive Director KCSDV
Re: Neutral Testimony for HB 2300
Date: March 13, 2024

Chairperson Humphries and Members of the Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a nonprofit organization located in Topeka with 25 member organizations providing direct services to victims of sexual and domestic violence statewide. These are the programs that provide critical services to survivors 24 hours a day, 7 days a week and include emergency shelter, hotline support, counseling, and other supportive services.

KCSDV offers neutral testimony for HB 2300, a bill that would require a duly ordained minister of religion to report certain abuse and neglect of children except when it is privileged penitential communication.

1. Our concerns with HB 2300 stem from the abrupt mandatory reporting that the clergy would be required under this bill. We do not have any problems with the actual reporting of child abuse and neglect. However, we want to raise a concern for the Legislature to consider if this bill were to become law, so as to not add unintended harm that could occur if clergy become mandatory reporters. Clergy are often a safe avenue for children to curiously question scenarios and worldly ideas. Traditionally, if the minister or member of the clergy is a safe person, they would work with a child to secure resources for support. If they are added to the professions that are mandated to report potential abuse or neglect, it will be critical that they receive regular training on what truly rises to the level of abuse and neglect, which should be reported.
2. We agree with the intent of this bill, which is to prioritize the safety of Kansas youth. Mandatory reporting can be a tool to create safety but also can immediately trigger a cascade of potentially traumatic events, like removal from the home or harsher discipline from the suspected abuser. Intervention of course is necessary for actual abuse and neglect cases, but being able to determine what support may be needed for the affected youth is a critical responsibility for any mandated reporter.

3. Clergy are not immune from implicit bias or mistaking differences in values, life circumstances, or access to resources for what may be actual abuse and neglect. There are situations where reports are made by clergy based on one's own view of race, age, or socioeconomic status. For example, research has shown that one challenge for many mandated reporters is not properly assessing the difference between a family experiencing poverty versus actual neglect imposed on a child. This often results in over-reporting to an already overwhelmed child welfare system.

KCSDV believes that clergy could be an important resource of support for child abuse victims who may disclose an experience of abuse to them, and possible only them, however, we respectfully request the Committee analyze HB 2800 carefully and consider addressing any unintended consequences that may come from making clergy mandatory reporters.

Sincerely,

A handwritten signature in black ink that reads "Michelle McCormick". The signature is written in a cursive, flowing style.

Michelle McCormick, LMSW
Executive Director
KCSDV