

REFERENCE TITLE: clergy; priests; duty to report

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **SB 1155**

Introduced by  
Senator Steele

AN ACT

AMENDING SECTIONS 8-201, 12-2233 AND 13-3620, ARIZONA REVISED STATUTES;  
RELATING TO THE DUTY TO REPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to  
3 read:

4 8-201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide  
7 reasonable support and to maintain regular contact with the child,  
8 including providing normal supervision. Abandoned includes a judicial  
9 finding that a parent has made only minimal efforts to support and  
10 communicate with the child. Failure to maintain a normal parental  
11 relationship with the child without just cause for a period of six months  
12 constitutes prima facie evidence of abandonment.

13 2. "Abuse" means the infliction or allowing of physical injury,  
14 impairment of bodily function or disfigurement or the infliction of or  
15 allowing another person to cause serious emotional damage as evidenced by  
16 severe anxiety, depression, withdrawal or untoward aggressive behavior and  
17 which emotional damage is diagnosed by a medical doctor or psychologist  
18 and is caused by the acts or omissions of an individual who has the care,  
19 custody and control of a child. Abuse includes:

20 (a) Inflicting or allowing sexual abuse pursuant to section  
21 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual  
22 assault pursuant to section 13-1406, molestation of a child pursuant to  
23 section 13-1410, commercial sexual exploitation of a minor pursuant to  
24 section 13-3552, sexual exploitation of a minor pursuant to section  
25 13-3553, incest pursuant to section 13-3608 or child sex trafficking  
26 pursuant to section 13-3212.

27 (b) Physical injury that results from ~~permitting~~ ALLOWING a child  
28 to enter or remain in any structure or vehicle in which volatile, toxic or  
29 flammable chemicals are found or equipment is possessed by any person for  
30 the purpose of manufacturing a dangerous drug as defined in section  
31 13-3401.

32 (c) Unreasonable confinement of a child.

33 3. "Adult" means a person who is eighteen years of age or older.

34 4. "Adult court" means the appropriate justice court, municipal  
35 court or criminal division of the superior court that has jurisdiction to  
36 hear proceedings concerning offenses committed by juveniles as provided in  
37 sections 8-327 and 13-501.

38 5. "Award" or "commit" means to assign legal custody.

39 6. "Child", "youth" or "juvenile" means an individual who is under  
40 ~~the age of~~ eighteen years OF AGE.

41 7. "Complaint" means a written statement of the essential facts  
42 constituting a public offense that is any of the following:

43 (a) Made on an oath before a judge or commissioner of the superior  
44 court or an authorized juvenile hearing officer.

45 (b) Made pursuant to section 13-3903.

1 (c) Accompanied by an affidavit of a law enforcement officer or  
2 employee that swears on information and belief to the accuracy of the  
3 complaint pursuant to section 13-4261.

4 8. "Criminal conduct allegation" means an allegation of conduct by  
5 a parent, guardian or custodian of a child or an adult member of the  
6 victim's household that, if true, would constitute any of the following:

7 (a) A violation of section 13-3623 involving child abuse.

8 (b) A felony offense that constitutes domestic violence as defined  
9 in section 13-3601.

10 (c) A violation of section 13-1404 or 13-1406 involving a minor.

11 (d) A violation of section 13-1405, 13-1410 or 13-1417.

12 (e) Any other act of abuse that is classified as a felony.

13 (f) An offense that constitutes domestic violence as defined in  
14 section 13-3601 and that involves a minor who is a victim of or was in  
15 imminent danger during the domestic violence.

16 9. "Custodian" means a person, other than a parent or legal  
17 guardian, who stands in loco parentis to the child or a person to whom  
18 legal custody of the child has been given by order of the juvenile court.

19 10. "DCS report" means a communication received by the centralized  
20 intake hotline that alleges child abuse or neglect and that meets the  
21 criteria for a report as prescribed in section 8-455.

22 11. "Delinquency hearing" means a proceeding in the juvenile court  
23 to determine whether a juvenile has committed a specific delinquent act as  
24 set forth in a petition.

25 12. "Delinquent act" means an act by a juvenile that if committed  
26 by an adult would be a criminal offense or a petty offense, a violation of  
27 any law of this state, or of another state if the act occurred in that  
28 state, or a law of the United States, or a violation of any law that can  
29 only be violated by a minor and that has been designated as a delinquent  
30 offense, or any ordinance of a city, county or political subdivision of  
31 this state defining crime. Delinquent act does not include an offense  
32 under section 13-501, subsection A or B if the offense is filed in adult  
33 court. Any juvenile who is prosecuted as an adult or who is remanded for  
34 prosecution as an adult shall not be adjudicated as a delinquent juvenile  
35 for the same offense.

36 13. "Delinquent juvenile" means a child who is adjudicated to have  
37 committed a delinquent act.

38 14. "Department" means the department of child safety.

39 15. "Dependent child":

40 (a) Means a child who is adjudicated to be:

41 (i) In need of proper and effective parental care and control and  
42 who has no parent or guardian, or one who has no parent or guardian  
43 willing to exercise or capable of exercising such care and control.

44 (ii) Destitute or who is not provided with the necessities of life,  
45 including adequate food, clothing, shelter or medical care.

1 (iii) A child whose home is unfit by reason of abuse, neglect,  
2 cruelty or depravity by a parent, a guardian or any other person having  
3 custody or care of the child.

4 (iv) Under eight years of age and who is found to have committed an  
5 act that would result in adjudication as a delinquent juvenile or  
6 incorrigible child if committed by an older juvenile or child.

7 (v) Incompetent or not restorable to competency and who is alleged  
8 to have committed a serious offense as defined in section 13-706.

9 (b) Does not include a child who in good faith is being furnished  
10 Christian Science treatment by a duly accredited practitioner if none of  
11 the circumstances described in subdivision (a) of this paragraph exists.

12 16. "Detention" means the temporary confinement of a juvenile who  
13 requires secure care in a physically restricting facility that is  
14 completely surrounded by a locked and physically secure barrier with  
15 restricted ingress and egress for the protection of the juvenile or the  
16 community pending court disposition or as a condition of probation.

17 17. "Director" means the director of the department.

18 18. "Health professional" has the same meaning prescribed in  
19 section 32-3201.

20 19. "Incorrigible child" means a child who:

21 (a) Is adjudicated as a child who refuses to obey the reasonable  
22 and proper orders or directions of a parent, guardian or custodian and who  
23 is beyond the control of that person.

24 (b) Is habitually truant from school as defined in section 15-803,  
25 subsection C.

26 (c) Is a runaway from the child's home or parent, guardian or  
27 custodian.

28 (d) Habitually behaves in such a manner as to injure or endanger  
29 the morals or health of self or others.

30 (e) Commits any act constituting an offense that can only be  
31 committed by a minor and that is not designated as a delinquent act.

32 (f) Fails to obey any lawful order of a court of competent  
33 jurisdiction given in a noncriminal action.

34 20. "Independent living program" includes a residential program  
35 with supervision of less than twenty-four hours a day.

36 21. "Juvenile court" means the juvenile division of the superior  
37 court when exercising its jurisdiction over children in any proceeding  
38 relating to delinquency, dependency or incorrigibility.

39 22. "Law enforcement officer" means a peace officer, sheriff,  
40 deputy sheriff, municipal police officer or constable.

41 23. "Medical director of a mental health agency":

42 (a) Means a psychiatrist, or licensed physician experienced in  
43 psychiatric matters, who is designated in writing by the governing body of  
44 the agency as the person in charge of the medical services of the agency,

1 or a psychiatrist designated by the governing body to act for the  
2 director. ~~The term~~

3 (b) Includes the superintendent of the state hospital.

4 24. "Mental health agency" means any private or public facility  
5 that is licensed by this state as a mental health treatment agency, a  
6 psychiatric hospital, a psychiatric unit of a general hospital or a  
7 residential treatment center for emotionally disturbed children and that  
8 uses secure settings or mechanical restraints.

9 25. "Neglect" or "neglected" means:

10 (a) The inability or unwillingness of a parent, guardian or  
11 custodian of a child to provide that child with supervision, food,  
12 clothing, shelter or medical care if that inability or unwillingness  
13 causes unreasonable risk of harm to the child's health or welfare, except  
14 if the inability of a parent, guardian or custodian to provide services to  
15 meet the needs of a child with a disability or chronic illness is solely  
16 the result of the unavailability of reasonable services.

17 (b) ~~Permitting~~ ALLOWING a child to enter or remain in any structure  
18 or vehicle in which volatile, toxic or flammable chemicals are found or  
19 equipment is possessed by any person for the purposes of manufacturing a  
20 dangerous drug as defined in section 13-3401.

21 (c) A determination by a health professional that a newborn infant  
22 was exposed prenatally to a drug or substance listed in section 13-3401  
23 and that this exposure was not the result of a medical treatment  
24 administered to the mother or the newborn infant by a health  
25 professional. This subdivision does not expand a health professional's  
26 duty to report neglect based on prenatal exposure to a drug or substance  
27 listed in section 13-3401 beyond the requirements prescribed pursuant to  
28 section 13-3620, subsection ~~E~~ F. The determination by the health  
29 professional shall be based on one or more of the following:

30 (i) Clinical indicators in the prenatal period including maternal  
31 and newborn presentation.

32 (ii) History of substance use or abuse.

33 (iii) Medical history.

34 (iv) Results of a toxicology or other laboratory test on the mother  
35 or the newborn infant.

36 (d) Diagnosis by a health professional of an infant under one year  
37 of age with clinical findings consistent with fetal alcohol syndrome or  
38 fetal alcohol effects.

39 (e) Deliberate exposure of a child by a parent, guardian or  
40 custodian to sexual conduct as defined in section 13-3551 or to sexual  
41 contact, oral sexual contact or sexual intercourse as defined in section  
42 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual  
43 materials as defined in section 13-3507.

1 (f) Any of the following acts committed by the child's parent,  
2 guardian or custodian with reckless disregard as to whether the child is  
3 physically present:

4 (i) Sexual contact as defined in section 13-1401.

5 (ii) Oral sexual contact as defined in section 13-1401.

6 (iii) Sexual intercourse as defined in section 13-1401.

7 (iv) Bestiality as prescribed in section 13-1411.

8 26. "Newborn infant" means a child who is under thirty days of age.

9 27. "Petition" means a written statement of the essential facts  
10 that allege delinquency, incorrigibility or dependency.

11 28. "Prevention" means the creation of conditions, opportunities  
12 and experiences that encourage and develop healthy, self-sufficient  
13 children and that occur before the onset of problems.

14 29. "Protective supervision" means supervision that is ordered by  
15 the juvenile court of children who are found to be dependent or  
16 incorrigible.

17 30. "Qualified young adult" means a former dependent child who is  
18 at least eighteen years of age and not over twenty-one years of age, who  
19 meets the criteria for an extended foster care program pursuant to section  
20 8-521.02 and who signs a voluntary agreement to participate in the  
21 program.

22 31. "Referral" means a report that is submitted to the juvenile  
23 court and that alleges that a child is dependent or incorrigible or that a  
24 juvenile has committed a delinquent or criminal act.

25 32. "Secure care" means confinement in a facility that is  
26 completely surrounded by a locked and physically secure barrier with  
27 restricted ingress and egress.

28 33. "Serious emotional injury" means an injury that is diagnosed by  
29 a medical doctor or a psychologist and that does any one or a combination  
30 of the following:

31 (a) Seriously impairs mental faculties.

32 (b) Causes serious anxiety, depression, withdrawal or social  
33 dysfunction behavior to the extent that the child suffers dysfunction that  
34 requires treatment.

35 (c) Is the result of sexual abuse pursuant to section 13-1404,  
36 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
37 pursuant to section 13-1406, molestation of a child pursuant to section  
38 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
39 sexual exploitation of a minor pursuant to section 13-3552, sexual  
40 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
41 section 13-3608.

42 34. "Serious physical injury" means an injury that is diagnosed by  
43 a medical doctor and that does any one or a combination of the following:

44 (a) Creates a reasonable risk of death.

45 (b) Causes serious or permanent disfigurement.

- 1 (c) Causes significant physical pain.
- 2 (d) Causes serious impairment of health.
- 3 (e) Causes the loss or protracted impairment of an organ or limb.
- 4 (f) Is the result of sexual abuse pursuant to section 13-1404,
- 5 sexual conduct with a minor pursuant to section 13-1405, sexual assault
- 6 pursuant to section 13-1406, molestation of a child pursuant to section
- 7 13-1410, child sex trafficking pursuant to section 13-3212, commercial
- 8 sexual exploitation of a minor pursuant to section 13-3552, sexual
- 9 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
- 10 section 13-3608.

11 35. "Shelter care" means the temporary care of a child in any  
12 public or private facility or home that is licensed by this state and that  
13 offers a physically nonsecure environment that is characterized by the  
14 absence of physically restricting construction or hardware and that  
15 provides the child access to the surrounding community.

16 36. "Young adult administrative review" means an administrative  
17 review of a voluntary extended foster care case plan with the qualified  
18 young adult, the department's case specialist or designee, an independent  
19 party who is not responsible for the case management of or the delivery of  
20 services to the qualified young adult and any other individual the young  
21 adult invites.

22 Sec. 2. Section 12-2233, Arizona Revised Statutes, is amended to  
23 read:

24 12-2233. Clergyman or priest and penitent

25 In a civil action a clergyman or priest shall not, ~~without the~~  
26 ~~consent of the person making a confession,~~ be examined as to any  
27 confession made to him in his character as clergyman or priest in the  
28 course of discipline enjoined by the church to which he belongs **UNLESS THE**  
29 **CLERGYMAN OR PRIEST DETERMINES THAT THE CONFESSION INVOLVES ONGOING ABUSE.**

30 Sec. 3. Section 13-3620, Arizona Revised Statutes, is amended to  
31 read:

32 13-3620. Duty to report abuse, physical injury, neglect and  
33 denial or deprivation of medical or surgical care  
34 or nourishment of minors; medical records;  
35 exception; violation; classification; definitions

36 A. Any person who reasonably believes that a minor is or has been  
37 the victim of physical injury, abuse, child abuse, a reportable offense or  
38 neglect that appears to have been inflicted on the minor by other than  
39 accidental means or that is not explained by the available medical history  
40 as being accidental in nature or who reasonably believes there has been a  
41 denial or deprivation of necessary medical treatment or surgical care or  
42 nourishment with the intent to cause or allow the death of an infant who  
43 is protected under section 36-2281 shall immediately report or cause  
44 reports to be made of this information to a peace officer, to the  
45 department of child safety or to a tribal law enforcement or social

1 services agency for any Indian minor who resides on an Indian reservation,  
 2 except if the report concerns a person who does not have care, custody or  
 3 control of the minor, the report shall be made to a peace officer only. A  
 4 member of the clergy, a Christian Science practitioner or a priest who has  
 5 received a confidential communication or a confession ~~in that person's~~  
 6 ~~role~~ ABOUT ABUSE THAT HAS ALREADY OCCURRED WHILE SERVING as a member of  
 7 the clergy, as a Christian Science practitioner or as a priest ~~in~~  
 8 OPERATING UNDER the course of the discipline enjoined by the church to  
 9 which the member of the clergy, the Christian Science practitioner or the  
 10 priest belongs may withhold reporting of the communication or confession  
 11 ~~if~~ UNLESS the member of the clergy, the Christian Science practitioner or  
 12 the priest determines that ~~it is reasonable and necessary within the~~  
 13 ~~concepts of the religion~~ THERE IS REASONABLE SUSPICION TO BELIEVE THAT THE  
 14 ABUSE IS ONGOING, WILL CONTINUE OR MAY BE A THREAT TO OTHER MINORS. This  
 15 exemption applies only to the communication or confession and not to  
 16 personal observations the member of the clergy, the Christian Science  
 17 practitioner or the priest may otherwise make of the minor. For the  
 18 purposes of this subsection, "person" means:

19 1. Any physician, physician's assistant, optometrist, dentist,  
 20 osteopathic physician, chiropractor, podiatrist, behavioral health  
 21 professional, nurse, psychologist, counselor or social worker who develops  
 22 the reasonable belief in the course of treating a patient.

23 2. Any peace officer, child welfare investigator, child safety  
 24 worker, member of the clergy, priest or Christian Science practitioner.

25 3. The parent, stepparent or guardian of the minor.

26 4. School personnel, domestic violence victim advocates or sexual  
 27 assault victim advocates who develop the reasonable belief in the course  
 28 of their employment.

29 5. Any other person who has responsibility for the care or  
 30 treatment of the minor.

31 6. Any person who is employed as the immediate or next higher level  
 32 supervisor to or administrator of a person who is listed in paragraph 1,  
 33 2, 4 or 5 of this subsection and who develops the reasonable belief in the  
 34 course of the supervisor's or administrator's employment, except that if  
 35 the supervisor or administrator reasonably believes that the report has  
 36 been made by a person who is required to report pursuant to paragraph 1,  
 37 2, 4 or 5 of this subsection, the supervisor or administrator is not  
 38 required to report pursuant to this paragraph.

39 B. A MEMBER OF THE CLERGY, A CHRISTIAN SCIENCE PRACTITIONER OR A  
 40 PRIEST WHO HAS KNOWLEDGE OR A REASONABLE SUSPICION THAT A PERSON IS  
 41 COMMITTING OR MAY COMMIT CHILD ABUSE OR NEGLECT SHALL IMMEDIATELY REPORT  
 42 OR CAUSE REPORTS TO BE MADE OF THIS INFORMATION TO A PEACE OFFICER, TO THE  
 43 DEPARTMENT OF CHILD SAFETY OR TO A TRIBAL LAW ENFORCEMENT OR SOCIAL  
 44 SERVICES AGENCY FOR ANY INDIAN MINOR WHO RESIDES ON AN INDIAN RESERVATION,  
 45 EXCEPT IF THE REPORT CONCERNS A PERSON WHO DOES NOT HAVE CARE, CUSTODY OR



1 CONTROL OF THE MINOR, THE REPORT SHALL BE MADE TO A PEACE OFFICER ONLY.  
2 THIS SUBSECTION DOES NOT APPLY TO A CONFIDENTIAL OR PENITENTIAL  
3 COMMUNICATION UNLESS THE MEMBER OF THE CLERGY, A CHRISTIAN SCIENCE  
4 PRACTITIONER OR A PRIEST DETERMINES THAT THE ABUSE OR NEGLECT IS STILL  
5 OCCURRING OR WILL OCCUR IN THE FUTURE.

6 ~~B.~~ C. A report is not required under this section either:

7 1. For conduct prescribed by sections 13-1404 and 13-1405 if the  
8 conduct involves only minors who are fourteen, fifteen, sixteen or  
9 seventeen years of age and there is nothing to indicate that the conduct  
10 is other than consensual.

11 2. If a minor is of elementary school age, the physical injury  
12 occurs accidentally in the course of typical playground activity during a  
13 school day, occurs on the premises of the school that the minor attends  
14 and is reported to the legal parent or guardian of the minor and the  
15 school maintains a written record of the incident.

16 ~~C.~~ D. If a physician, psychologist or behavioral health  
17 professional receives a statement from a person other than a parent,  
18 stepparent, guardian or custodian of the minor during the course of  
19 providing sex offender treatment that is not court ordered or that does  
20 not occur while the offender is incarcerated in the state department of  
21 corrections or the department of juvenile corrections, the physician,  
22 psychologist or behavioral health professional may withhold the reporting  
23 of that statement if the physician, psychologist or behavioral health  
24 professional determines it is reasonable and necessary to accomplish the  
25 purposes of the treatment.

26 ~~D.~~ E. Reports shall be made immediately either electronically or  
27 by telephone. The reports shall contain the following information, if  
28 known:

29 1. The names and addresses of the minor and the minor's parents or  
30 the person or persons having custody of the minor.

31 2. The minor's age and the nature and extent of the minor's abuse,  
32 child abuse, physical injury or neglect, including any evidence of  
33 previous abuse, child abuse, physical injury or neglect.

34 3. Any other information that the person believes might be helpful  
35 in establishing the cause of the abuse, child abuse, physical injury or  
36 neglect.

37 ~~E.~~ F. A health care professional who is regulated pursuant to  
38 title 32 and who, after a routine newborn physical assessment of a newborn  
39 infant's health status or following notification of positive toxicology  
40 screens of a newborn infant, reasonably believes that the newborn infant  
41 may be affected by the presence of alcohol or a drug listed in section  
42 13-3401 shall immediately report this information, or cause a report to be  
43 made, to the department of child safety. For the purposes of this  
44 subsection, "newborn infant" means a newborn infant who is under thirty  
45 days of age.

1           ~~F.~~ G. Any person other than one required to report or cause  
2 reports to be made under subsection A OR B of this section who reasonably  
3 believes that a minor is or has been a victim of abuse, child abuse,  
4 physical injury, a reportable offense or neglect may report the  
5 information to a peace officer or to the department of child safety,  
6 except if the report concerns a person who does not have care, custody or  
7 control of the minor, the report shall be made to a peace officer only.

8           ~~G.~~ H. A person who has custody or control of medical records of a  
9 minor for whom a report is required or authorized under this section shall  
10 make the records, or a copy of the records, available to a peace officer,  
11 child welfare investigator or child safety worker investigating the  
12 minor's neglect, child abuse, physical injury or abuse on written request  
13 for the records signed by the peace officer, child welfare investigator or  
14 child safety worker. Records disclosed pursuant to this subsection are  
15 confidential and may be used only in a judicial or administrative  
16 proceeding or investigation resulting from a report required or authorized  
17 under this section.

18           ~~H.~~ I. When reports are received by a peace officer, the officer  
19 shall immediately notify the department of child safety. Notwithstanding  
20 any other statute, when the department receives these reports, it shall  
21 immediately notify a peace officer in the appropriate jurisdiction.

22           ~~I.~~ J. Any person who is required to receive reports pursuant to  
23 subsection A OR B of this section may take or cause to be taken  
24 photographs of the minor and the vicinity involved. Medical examinations  
25 of the involved minor may be performed.

26           ~~J.~~ K. A person who furnishes a report, information or records  
27 required or authorized under this section, or a person who participates in  
28 a judicial or administrative proceeding or investigation resulting from a  
29 report, information or records required or authorized under this section,  
30 is immune from any civil or criminal liability by reason of that action  
31 unless the person acted with malice or unless the person has been charged  
32 with or is suspected of abusing or neglecting the child or children in  
33 question.

34           ~~K.~~ L. Except for the attorney client privilege or the privilege  
35 under subsection ~~L.~~ M of this section, no privilege applies to any:

36           1. Civil or criminal litigation or administrative proceeding in  
37 which a minor's neglect, dependency, abuse, child abuse, physical injury  
38 or abandonment is an issue.

39           2. Judicial or administrative proceeding resulting from a report,  
40 information or records submitted pursuant to this section.

41           3. Investigation of a minor's child abuse, physical injury, neglect  
42 or abuse conducted by a peace officer or the department of child safety.

43           ~~L.~~ M. In any civil or criminal litigation in which a child's  
44 neglect, dependency, physical injury, abuse, child abuse or abandonment is  
45 an issue, a member of the clergy, a Christian Science practitioner or a

1 priest shall not, without his consent, be examined as a witness concerning  
2 any confession made to him in his role as a member of the clergy, a  
3 Christian Science practitioner or a priest in the course of the discipline  
4 enjoined by the church to which he belongs UNLESS THE MEMBER OF THE  
5 CLERGY, CHRISTIAN SCIENCE PRACTITIONER OR PRIEST DETERMINES THERE IS  
6 REASONABLE SUSPICION TO BELIEVE THAT THE DEPENDENCY, PHYSICAL INJURY,  
7 ABUSE, CHILD ABUSE OR ABANDONMENT IS ONGOING OR THAT DEPENDENCY, PHYSICAL  
8 INJURY, ABUSE, CHILD ABUSE OR ABANDONMENT MAY OCCUR IN THE FUTURE. This  
9 subsection does not discharge a member of the clergy, a Christian Science  
10 practitioner or a priest from the duty to report pursuant to subsection A  
11 OR B of this section.

12 ~~M.~~ N. If psychiatric records are requested pursuant to subsection  
13 ~~G.~~ H of this section, the custodian of the records shall notify the  
14 attending psychiatrist, who may excise from the records, before they are  
15 made available:

- 16 1. Personal information about individuals other than the patient.
- 17 2. Information regarding specific diagnosis or treatment of a  
18 psychiatric condition, if the attending psychiatrist certifies in writing  
19 that release of the information would be detrimental to the patient's  
20 health or treatment.

21 ~~N.~~ O. If any portion of a psychiatric record is excised pursuant  
22 to subsection ~~M.~~ N of this section, a court, on application of a peace  
23 officer, child welfare investigator or child safety worker, may order that  
24 the entire record or any portion of the record that contains information  
25 relevant to the reported abuse, child abuse, physical injury or neglect be  
26 made available to the peace officer, child welfare investigator or child  
27 safety worker investigating the abuse, child abuse, physical injury or  
28 neglect.

29 ~~O.~~ P. A person who violates this section is guilty of a class 1  
30 misdemeanor, except if the failure to report involves a reportable  
31 offense, the person is guilty of a class 6 felony.

32 ~~P.~~ Q. For the purposes of this section:

- 33 1. "Abuse" has the same meaning prescribed in section 8-201.
- 34 2. "Child abuse" means child abuse pursuant to section 13-3623.
- 35 3. "Neglect" has the same meaning prescribed in section 8-201.
- 36 4. "Reportable offense" means any of the following:
  - 37 (a) Any offense listed in chapters 14 and 35.1 of this title or  
38 section 13-3506.01.
  - 39 (b) Surreptitious photographing, videotaping, filming or digitally  
40 recording or viewing a minor pursuant to section 13-3019.
  - 41 (c) Child sex trafficking pursuant to section 13-3212.
  - 42 (d) Incest pursuant to section 13-3608.
  - 43 (e) Unlawful mutilation pursuant to section 13-1214.