

Utah State Reporting Laws

**THE PURPOSE OF THIS GUIDE IS TO PROVIDE GENERAL INFORMATION ONLY.
IT IS NOT INTENDED AS LEGAL ADVICE OR TO APPLY TO ANY PARTICULAR SITUATION.**

TITLE X

Background:

In 1970, Congress added Title X to the Public Health Services Act to make family planning and reproductive health services available to individuals who need them, with priority given to low-income individuals.

Providing family planning services:

All clients, including adolescents, who are seeking Title X services may consent to their own care, and these services must be provided to them on a voluntary and confidential basis.

Confidentiality and state law requirements for reporting abuse and neglect:

Although Title X providers are legally required to maintain confidentiality of all clients, including adolescents, they are not exempt from state laws that require the reporting of “child abuse, child molestation, sexual abuse, rape, or incest.” This reporting obligation creates a limited exception for the duty to maintain client confidentiality.

Please refer to the Supporting Statutes, which are attached.

DUTY TO REPORT

In public health clinics:

Applies to child abuse only, ALL PERSONS, with the exception of clergy or priest*, who have 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, must immediately notify the nearest law enforcement agency, or office of the Division of Social Services.

*Notification requirements do apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made in the clergy/priest’s professional capacity, when confession is made by the perpetrator.

No criminal liability to report any other type of suspected crime.

AGE OF “CONSENT”

Sexual acts are considered to be without consent when:

- the victim is younger than 14 years of age (child abuse);

- the victim is younger than 18 years of age and at the time of the offense the actor was the victim's parent, step parent, adoptive parent, or legal guardian or occupied a position of special trust ;
- the victim is 14 years of age or less than 18 years of age, and
 - The actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to force or threat.

WHO ARE REPORTS MADE TO?

Nearest law enforcement agency, or Office of the Division of Social Services.

PROCEDURE FOR MAKING A REPORT

Must immediately notify above agencies.

CAN A REPORTER BE HELD LIABLE IF IT TURNS OUT THAT HER/HIS SUSPICIONS WERE WRONG?

All those required to report who do so in good faith are protected from penalties if suspicions are unfounded. Any person who intentionally makes a false report could be civilly liable.

CONSEQUENCES OF FAILURE TO REPORT

Penalties for failure to make a report is a misdemeanor.

VICTIMS SERVICES AGENCIES

Each clinic should contact their local District Attorney's Office or Sheriffs Department for Victims Service contact information, as it is not a state service, but a town/city or community service.

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Supporting Statutes

Sexual abuse or unlawful sexual activity with a minor:

- Minor - a person at least 14 years of age but less than 16 years of age
- A person commits sexual abuse of a minor (**76-5-401.1**) if the person
 - Is 7 years or more older than the minor and, under circumstances not amounting to rape, or
 - Takes indecent liberties with the minor, or
 - Causes a minor to take indecent liberties with the actor or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant.
- A person commits unlawful sexual activity with a minor (**76-5-401**) if, under circumstances not amounting to *rape*, the actor:
 - Has sexual intercourse with the minor;
 - Engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person; or
 - Causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body.

76-5-401.2. Unlawful sexual conduct with a 16 or 17 year old occurs under circumstances not amounting to *rape*, and:

- The actor is ten or more years older than the minor:
 - has sexual intercourse with the minor;
 - engages in any sexual act with the minor; or
 - Causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object.

76-5-402. Rape:

- Sexual intercourse with another person without the victim's consent.

76-5-402.1. Rape of a child (Child Abuse):

- Sexual intercourse with a child who is under the age of 14.

76-5-402.2 Object rape - The penetration, however slight, of the genital or anal opening of another person (*without his/her consent*):

- Who is 14 years of age or older,
- By any foreign object, substance, instrument, or device, not including a part of the human body,
 - With intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person.

76-5-403. Sodomy – Any sexual contact:

- With a person who is 14 years of age or older
- Involving the genitals of one person and mouth or anus of another person,
- Without the other's *consent*.

76-5-403.1 Sodomy on a child - Any sexual act upon or with a child (Child Abuse):

- Who is under the age of 14,
- Involving the genitals or anus of the actor or the child and the mouth or anus of either person.

76-5-403 Forcible sexual abuse - The victim is 14 years of age or older and:

- Under circumstances not amounting to rape, object rape, sodomy, or attempted rape or sodomy,
 - the actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female, or otherwise takes indecent liberties with another, or causes another to take indecent liberties with the actor or another, with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, without the consent of the other, regardless of the sex of any participant.

76-5-404.1. Sexual abuse of a child – Child means a person under the age of 14. (Child Abuse):

- Circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, or an attempt to commit any of these offenses, the actor touches the anus, buttocks, or genitalia of any child, the breast of a female child, or otherwise takes indecent liberties with a child, or causes a child to take indecent liberties with the actor or another with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant.

62A-4a-101. Child abuse is defined as - (child is under the age 18):

- Actual or threatened nonaccidental physical or mental harm;
 - Negligent treatment;
 - Sexual exploitation; or
 - Any sexual abuse.

62A-4a-101. Neglect is defined as:

- Abandonment of a child,
- Subjecting a child to mistreatment or abuse;
- Lack of proper parental care by reason of the fault or habits of the parent, guardian, or custodian;
- Failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, including surgery or psychiatric services when required, or any other care necessary for his health, safety, morals, or well-being; or
- A child at risk of being neglected or abused because another child in the same home is neglected or abused.