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Kentucky Association of Sexual Assault Programs
[HB472](#)

HB472 is a bill with important changes to address child sexual abuse in our Commonwealth.

KASAP supports HB472 and we have supported similar legislation in the past. We have one clarifying suggestion to newly added language in the bill.

After speaking with Rep. Bechler, we hope we can come to an agreement to ensure that relevant evidence is available while upholding current Kentucky Rules of Evidence (KRE) that will guide a court in making that determination.

See Section 2, Page 4, lines 15-20

- As currently written, this language appears to discard the KRE and this should be clarified.
- All professionals holding privileges (outside of attorney/clergy) ARE mandatory reporters of child abuse under KRS 620 and must report information they receive about suspected abuse, even when the information is shared during a counseling or therapy session.
- The KY Rules of Evidence clarify access to records when a privilege is claimed. A procedure is written in for the courts to determine whether an exception applies.
 - This is the balance that the court has found so that relevant and needed evidence will be provided while holding sacred the right and ability for people to seek mental health treatment.
 - Often, records will contain personal information about a client that has nothing to do with allegations of abuse and without clarification, the bill language could be used to review a person's entire therapy record.

Suggested language in bold

*“Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for excluding evidence regarding childhood sexual assault or abuse or the cause thereof **when an exception to the Kentucky Rules of Evidence is met**, in any judicial proceeding. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding childhood sexual assault or abuse.”*