

105TH CONGRESS
2D SESSION

H. R. 3577

To provide parent-child testimonial privileges in Federal civil and criminal proceedings.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 1998

Ms. LOFGREN (for herself, Mr. NADLER, Mr. CONYERS, Mr. WATT of North Carolina, Ms. DELAURO, Ms. ESHOO, Ms. HOOLEY of Oregon, Mrs. LOWEY, Mrs. MINK of Hawaii, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. DEFazio, Mr. FAZIO of California, Mr. HASTINGS of Florida, and Mr. MILLER of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide parent-child testimonial privileges in Federal civil and criminal proceedings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Confidence in the
5 Family Act”.

1 **SEC. 2. PARENT-CHILD TESTIMONIAL PRIVILEGES IN FED-**
2 **ERAL CIVIL AND CRIMINAL PROCEEDINGS.**

3 Rule 501 of the Federal Rules of Evidence is amend-
4 ed—

5 (1) by designating the 1st sentence as subdivi-
6 sion (a);

7 (2) by designating the 2nd sentence as subdivi-
8 sion (c); and

9 (3) by inserting after the sentence so des-
10 ignated as subdivision (a) the following new subdivi-
11 sion:

12 “(b)(1) A witness may not be compelled to testify
13 against a child or parent of the witness.

14 “(2) A witness may not be compelled to disclose the
15 content of a confidential communication with a child or
16 parent of the witness.

17 “(3) For purposes of this subdivision, ‘child’ means,
18 with respect to an individual, a birth, adoptive, or step-
19 child of the individual, and any person (such as a foster
20 child or a relative of whom the individual has long-term
21 custody) with respect to whom the court recognizes the
22 individual as having a right to act as a parent.

23 “(4) The privileges provided in this subdivision shall
24 be governed by principles of the common law, as they may
25 be interpreted by the courts of the United States in the
26 light of reason and experience, that are similar to the prin-

- 1 ciples that apply to the similar privileges of a witness with
- 2 respect to a spouse of the witness.”.

