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Clergy as Mandatory Reporters of Child Abuse and Neglect

Every State, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have statutes that identify persons who are required to report child maltreatment under specific circumstances.¹ Approximately 27 States and Guam currently include members of the clergy among those professionals specifically mandated by law to report known or

To find statute information for a particular State, go to http://www.childwelfare.gov/systemwide/laws_policies/state/

¹ For more information on mandated reporters, see Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* at http://www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm

Privileged Communications

suspected instances of child abuse or neglect.² In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report it.³ This inclusive language appears to include clergy but may be interpreted otherwise.

As a doctrine of some faiths, clergy must maintain the confidentiality of pastoral communications. Mandatory reporting statutes in some States specify the circumstances under which a communication is “privileged” or allowed to remain confidential. Privileged communications may be exempt from the requirement to report suspected abuse or neglect. The privilege of maintaining this confidentiality under State law must be provided by statute. Most States do provide the privilege, typically in rules of evidence or civil procedure.⁴ If the issue of privilege is not addressed in the reporting laws, it does not mean that privilege is not granted; it may be granted in other parts of State statutes.

This privilege, however, is not absolute. While clergy-penitent privilege is frequently recognized within the reporting laws, it is typically interpreted narrowly in the context of child abuse or neglect. The circumstances under which it is allowed vary from State to State, and in some States it is denied altogether. For example, among the States that list clergy as mandated reporters, Guam, New Hampshire, and West Virginia deny the clergy-penitent privilege in cases of child abuse or neglect. Four of the States that enumerate “any person” as a mandated reporter (North Carolina, Oklahoma, Rhode Island, and Texas) also deny clergy-penitent privilege in child abuse cases.

In States where neither clergy members nor “any person” are enumerated as mandated reporters, it is less clear whether

² The word “approximately” is used to stress the fact that States frequently amend their laws. This information is current only through June 2012. States that include clergy as mandated reporters are Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin.

³ Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming. Three of these States (Mississippi, New Hampshire, and New Mexico) also enumerate clergy as mandated reporters.

⁴ The issue of clergy-penitent privilege also may be addressed in case law, which this publication does not cover.

clergy are included as mandated reporters within other broad categories of professionals who work with children. For example, in Virginia and Washington, clergy are not enumerated as mandated reporters, but the clergy-penitent privilege is affirmed within the reporting laws.

Many States and territories include Christian Science practitioners or religious healers among professionals who are mandated to report suspected child maltreatment. In most instances, they appear to be regarded as a type of health-care provider. Only nine States (Arizona, Arkansas, Louisiana, Massachusetts, Missouri, Montana, Nevada, South Carolina, and Vermont) explicitly include Christian Science practitioners among classes of clergy required to report. In those States, the clergy-penitent privilege is also extended to those practitioners by statute.

The chart below summarizes how States have or have not addressed the issue of clergy as mandated reporters (either specifically or as part of a broad category) and/or clergy-penitent privilege (either limiting or denying the privilege) within their reporting laws.

	Privilege granted but limited to pastoral communications	Privilege denied in cases of suspected child abuse or neglect	Privilege not addressed in the reporting laws
Clergy enumerated as mandated reporters	Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Wisconsin	Guam, New Hampshire, West Virginia	Connecticut, Mississippi
Clergy not enumerated as mandated reporters but may be included with "any person" designation	Delaware, Florida, Idaho, Kentucky, Maryland, Utah, Wyoming	North Carolina, Oklahoma, Rhode Island, Texas	Indiana, Nebraska, New Jersey, Tennessee, Puerto Rico
Neither clergy nor "any person" enumerated as mandated reporters	Virginia, Washington ⁵	Not applicable	Alaska, American Samoa, District of Columbia, Hawaii, Iowa, Kansas, New York, Northern Mariana Islands, South Dakota, Virgin Islands

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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⁵ Clergy are not mandated reporters in Washington, but if they elect to report, their report and any testimony are provided statutory immunity from liability.

Alabama**Ala. Code § 26-14-3(a), (f) (LexisNexis through 2012 Reg. Sess.)**

Members of the clergy (as defined in Rule 505 of the Alabama Rules of Evidence) shall be required to report or cause a report to be made immediately when a child is known or suspected to be a victim of child abuse or neglect--either by telephone or direct communication, followed by a written report--to a duly constituted authority.

A member of the clergy shall not be required to report information gained solely in a confidential communication, privileged pursuant to Rule 505 of the Alabama Rules of Evidence, as such communications shall continue to be privileged as provided by law.

Alaska

This issue is not addressed in the statutes reviewed.

American Samoa**Ann. Code § 45.2002(a), (b(11)) (A.S. Bar 2012)**

Any person specified below who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect, or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect, shall immediately report or cause a report to be made of that fact to the agency, who immediately informs the department.

Persons required to report the abuse or neglect or circumstances or conditions include any Christian Science practitioner.

Arizona**Ariz. Rev. Stat. Ann. § 13-3620(A)-(B) (LexisNexis through 3-27-12)**

Any member of the clergy, priest, or Christian Science practitioner who reasonably believes that a minor is or has been the victim of injury, abuse, child abuse, a reportable offense, or neglect shall immediately report or cause a report to be made.

A member of the clergy, Christian Science practitioner, or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, Christian Science practitioner, or priest in the course of the discipline enjoined by the church to which the member of the clergy, Christian Science practitioner, or priest belongs may withhold reporting of the communication or confession if the member of the clergy, Christian Science practitioner, or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to the personal observations the member of the clergy, Christian Science practitioner, or priest may otherwise make of the minor.

Arkansas**Ark. Code Ann. § 12-18-402 (LexisNexis through 2012 Sess.)**

A clergy member shall immediately notify the Child Abuse Hotline if he or she:

- Has reasonable cause to suspect that a child has been subjected to child maltreatment or died as a result of child maltreatment
- Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment

A clergy member includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent the clergy member:

- Has acquired knowledge of suspected child maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith
- Received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of admission

A privilege or contract shall not prevent a person from reporting child maltreatment when he or she is a mandated reporter and required to report under this section.

Ark. Code Ann. § 12-18-803(b) (LexisNexis through 2012 Sess.)

No privilege, except that between a lawyer and client or between a minister, including a Christian Science practitioner, and a person confessing to or being counseled by the minister, shall prevent anyone from testifying concerning child maltreatment.

California**Cal. Penal Code § 11166(d)(1)-(2) (LexisNexis through 2012 Sess.)**

A clergy member who acquires knowledge or reasonable suspicion of child abuse during a penitential communication is not required to make a report. For the purposes of this subdivision, 'penitential communication' means a communication intended to be in confidence—including, but not limited to, a sacramental confession—made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse when a clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in § 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in § 11165.9.

This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

Cal. Penal Code § 11165.7(a)(32)-(33) (LexisNexis through 2012 Sess.)

A mandated reporter is defined as any of the following:

- A clergy member, as specified in § 11166(c)
- Any custodian of records of a clergy member, as specified in this section and § 11166(c).

As used in this article, 'clergy member' means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

Colorado**Colo. Stat. Ann. § 19-3-304(2)(aa) (LexisNexis through 2012 1st Reg. Sess.)**

Persons required to report abuse or neglect or circumstances or conditions shall include any clergy member.

The provisions of this paragraph shall not apply to a person who acquires reasonable cause to know or suspect that a child has been subjected to abuse or neglect during a communication about which the person may not be examined as a witness pursuant to § 13-90-107(1)(c), unless the person also acquires such reasonable cause from a source other than such communication.

For purposes of this paragraph, unless the context otherwise requires, 'clergy member' means a priest; rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order; or recognized leader of any religious body.

Colo. Rev. Stat. Ann. § 13-90-107(1)(c) (LexisNexis through 2012 1st Reg. Sess.)

A clergy member, minister, priest, or rabbi shall not be examined without both his or her consent and also the consent of the person making the confidential communication as to any confidential communication made to him or her in his or her professional capacity in the course of discipline expected by the religious body to which he or she belongs.

Connecticut**Conn. Gen. Stat. Ann. § 17a-101(b) (LexisNexis through 2012 Supp.)**

The following persons shall be mandated reporters: members of the clergy.

Delaware**Del. Code Ann. Tit. 16, § 909 (LexisNexis through 4-27-12)**

No legally recognized privilege, except that between attorney and client and that between priest and penitent in a sacramental confession, shall apply to situations involving known or suspected child abuse, neglect, exploitation, or abandonment and shall not constitute grounds for failure to report as required or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

Del. Code Ann. Tit. 16, § 903 (LexisNexis through 4-27-12)

Any person, agency, organization, or entity that knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title.

District of Columbia

This issue is not addressed in the statutes reviewed.

Florida**Fla. Stat. Ann. § 39.201(1) (LexisNexis through 2012 Sess.)**

Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, shall report such knowledge or suspicion to the department.

Fla. Stat. Ann. § 39.204 (LexisNexis through 2012 Sess.)

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, or any other privileged communications except that between attorney and client or the privilege provided by § 90.505 [providing for the confidentiality of communications made to a clergy member for the purpose of spiritual counsel], as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect, and shall not constitute grounds for failure to report as required by the reporting laws regardless of the source of information requiring the report, failure to cooperate with law enforcement or the department in its activities pursuant to this chapter, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

Georgia**Ga. Ann. Code § 19-7-5 (LexisNexis through Ga. 2012 Legis. Serv., Act 709)**

A member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.

The term 'clergy' includes ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a *bona fide* religious organization.

Guam**Guam Ann. Code Tit. 19, § 13201 (LexisNexis through 4-4-12)**

Persons required to report suspected child abuse include, but are not limited to, any clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship.

No person may claim 'privileged communications' as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

Hawaii

This issue is not addressed in the statutes reviewed.

Idaho**Idaho Code § 16-1605 (LexisNexis through 2011 Reg. Sess.)**

Any other person having reason to believe that a child has been abused, abandoned, or neglected shall report or cause a report to be made within 24 hours.

The term 'duly ordained minister of religion' means a person who has been ordained or set apart, in accordance with the ceremony, ritual, or discipline of a church or religious organization that has been established on the basis of a community of religious faith, belief, doctrines, and practices, to hear confessions and confidential communications in accordance with the bona fide doctrines or discipline of that church or religious organization.

The notification requirements do not apply to a duly ordained minister of religion, with regard to any confession or confidential communication made to him or her in his or her ecclesiastical capacity in the course of discipline enjoined by the church to which he or she belongs if:

- The church qualifies as tax-exempt under Federal law.
- The confession or confidential communication was made directly to the duly ordained minister of religion.
- The confession or confidential communication was made in the manner and context that places the duly ordained minister specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

A confession or confidential communication made under any other circumstances does not fall under this exemption.

Illinois**325 Ill. Comp. Stat. Ann. § 5/4 (LexisNexis through 2012 Sess.)**

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined by law shall immediately report or cause a report to be made to the Department of Children and Family Services.

Whenever such person is required to report under this act in his or her capacity as a member of the clergy, he or she shall make a report immediately to the department in accordance with the provisions of this act and may also notify the person in charge of the church, synagogue, temple, mosque, or other religious institution, or his or her designated agent, that such a report has been made. Under no circumstances shall any person in charge of the church, synagogue, temple, mosque, or other religious institution, or his or her designated agent to whom such notification is made, exercise any control, restraint, modification, or other change in the report or the forwarding of such report to the department.

The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report.

A member of the clergy may claim the privilege under § 8-803 of the Code of Civil Procedure.

735 Ill. Comp. Stat. Ann. § 5/8-803 (LexisNexis through 2012 Sess.)

A member of the clergy or practitioner of any religious denomination accredited by the religious body to which he or she belongs shall not be compelled to disclose in any court, or to any administrative body or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practice of such religious body or of the religion that he or she professes, nor be compelled to divulge any information that has been obtained by him or her in such professional character or such spiritual advisor.

Indiana**Ind. Code Ann. § 31-33-5-1 (LexisNexis through 2012 1st Reg. Sess.)**

In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

Iowa

This issue is not addressed in the statutes reviewed.

Kansas

This issue is not addressed in the statutes reviewed.

Kentucky**Ky. Rev. Stat. Ann. § 620.030(1), (3) (LexisNexis through 2011 1st Ex. Sess.)**

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made.

Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be ground for refusing to report or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report. This subsection shall also apply in any criminal proceeding in district or circuit court regarding a dependent, neglected, or abused child.

Louisiana**La. Children's Code Art. 603(15)(b)-(c) (LexisNexis through La. 2012 Legis. Serv., Act 268)**

'Mental health/social service practitioner' is any individual who provides mental health or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his or her family.

'Member of the clergy' is any priest, rabbi, duly ordained deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization.

A member of the clergy is not required to report a confidential communication, as defined in Code of Evidence article 511(A)(2), from a person to a member of the clergy who in the course of the discipline or practice of that church, denomination, or organization is authorized and accustomed to hearing confidential communication and, under the discipline or tenets of that church, denomination, or organization, has a duty to keep such communication confidential. In that instance, the member of the clergy shall encourage that person to report the allegations to the appropriate authorities.

Maine**Me. Rev. Stat. Ann. Tit. 22, § 4011-A(1)(A)(27) (LexisNexis through 2011 2nd Reg. Sess.)**

The following adult persons shall immediately report or cause a report to be made to the department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected: clergy members acquiring the information as a result of clerical professional work, except for information received during confidential communications.

Maryland**Md. Code Ann. Fam. Law § 5-705(a)(1), (a)(3) (LexisNexis through 4-23-12)**

Except as provided below, notwithstanding any other provision of law, including a law on privileged communications, a person other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.

A minister of the gospel, clergy member, or priest of an established church of any denomination is not required to provide notice [when they have reason to believe that a child has been subjected to abuse or neglect] if the notice would disclose matter in relation to any communication that is protected by the clergy-penitent privilege and:

- The communication was made to the minister, clergy member, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergy member, or priest belongs.
- The minister, clergy member, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

Massachusetts**Mass. Gen. Laws Ann. Ch. 119, § 21 (LexisNexis through 2012 Sess.)**

Mandatory reporters include:

- Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, or accredited Christian Science practitioners
- Persons performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner
- Persons employed by a church or religious body to supervise, educate, coach, train, or counsel a child on a regular basis

Mass. Gen. Laws Ann. Ch. 119, § 51A(j) (LexisNexis through 2012 Sess.)

Any privilege relating to confidential communications, established by §§ 135 to 135B, inclusive, of chapter 112 [pertaining to social worker-client privilege] or by §§ 20A [clergy-penitent privilege] and 20B [psychotherapist-patient privilege] of chapter 233, shall not prohibit the filing of a report under this section or a care and protection petition under § 24, except that a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner to report suspected child abuse or neglect under this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him or her a mandated reporter.

Michigan**Mich. Comp. Laws Ann. § 722.623 (LexisNexis through 2012 Sess.)**

A member of the clergy who has reasonable cause to suspect child abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause on oral report to be made, of the suspected child abuse or neglect to the Family Independence Agency (department).

Mich. Comp. Laws Ann. § 722.631 (LexisNexis through 2012 Sess.)

Any legally recognized privileged communication except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil protective proceeding resulting from a report made pursuant to this act. This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under § 722.623.

Minnesota**Minn. Stat. Ann. § 626.556, Subd. 3(a) (LexisNexis through 2012 Reg. Sess.)**

A person who knows or has reason to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person is employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of clergy is not required to report information that is otherwise privileged under § 595.02(1)(c) [pertaining to clergy-penitent privilege].

Mississippi**Miss. Code Ann. § 43-21-353(1) (LexisNexis through 2011 1st Ex. Sess.)**

Any minister who has reasonable cause to suspect that a child is a neglected child or an abused child shall cause an oral report to be made immediately, by telephone or otherwise, to be followed as soon thereafter as possible by a report in writing to the Department of Human Services.

Missouri**Mo. Ann. Stat. § 210.140 (LexisNexis through 2012 2nd Reg. Sess.)**

Any legally recognized privileged communication, except that between attorney and client, or involving communications made to a minister or clergy member, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted, to cooperate with the division in any of its activities, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

Mo. Ann. Stat. § 210.115 (LexisNexis through 2012 2nd Reg. Sess.)

When any minister, as provided by § 352.400, has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect, or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division.

Mo. Ann. Stat. § 352.400 (LexisNexis through 2012 2nd Reg. Sess.)

'Minister' means any person while practicing as a minister of the gospel, clergy member, priest, rabbi, Christian Science practitioner, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for the care, custody, and control of a child or who has access to a child.

When a minister or designated agent has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported, the minister or designated agent shall immediately report or cause a report to be made.

Notwithstanding any other provision of this section or any section of the reporting laws, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

Montana**Mont. Code Ann. § 15-6-201(2)(a) (LexisNexis through 2011 Spec. Sess.)**

The term 'clergy' means:

- An ordained minister, priest, or rabbi
- A commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination
- A member of a religious order who has taken a vow of poverty
- A Christian Science practitioner

Mont. Code Ann. § 41-3-201(2)(h), (4)(b) (LexisNexis through 2011 Spec. Sess.)

Professionals and officials required to report include members of the clergy.

A member of the clergy or priest is not required to report under this section if:

- The knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or priest in that person's capacity as a member of the clergy or priest.
- The statement was intended to be a part of a confidential communication between the member of the clergy or the priest and a member of the church or congregation.
- The person who made the statement or confession does not consent to the disclosure by the member of the clergy or priest.

A member of the clergy or priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

Nebraska**Neb. Rev. Stat. Ann. § 28-711 (LexisNexis through Neb. 2012 Legis. Serv., Act 821)**

When any person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes that child being subjected to conditions or circumstances that reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the Department of Social Services.

Nevada**Nev. Rev. Stat. Ann. § 432B.220(3)(d) (LexisNexis through 2011 Reg. Sess.)**

A report must be made by a clergy member, practitioner of Christian Science, or religious healer, unless he or she has acquired the knowledge of the abuse or neglect from the offender during a confession.

New Hampshire**N.H. Rev. Stat. Ann. § 169-C:32 (LexisNexis through 2012 Sess.)**

The privileged quality of communication between husband and wife and any professional person [including a priest, minister, or rabbi] and his patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter and shall not constitute grounds for failure to report as required by this chapter.

N.H. Rev. Stat. Ann. § 169-C:29 (LexisNexis through 2012 Sess.)

A priest, minister, or rabbi having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.

New Jersey**N.J. Ann. Stat. § 9:6-8.10 (LexisNexis through 2012 1st Sess.)**

Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services, by telephone or otherwise.

New Mexico**N.M. Stat. Ann. § 32A-4-3(A) (LexisNexis through 2012 2nd Sess.)**

Every person, including a member of the clergy who has information that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child is an abused or a neglected child shall report the matter immediately.

New York

This issue is not addressed in the statutes reviewed.

North Carolina**N.C. Gen. Stat. § 7B-310 (LexisNexis through 2011 Reg. Sess.)**

No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge is gained by an attorney from that attorney's client during representation only in the abuse, neglect, or dependency case.

No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile's abuse, neglect, or dependency is in issue nor in any judicial proceeding resulting from a report submitted under this article, both as the privilege relates to the competency of the witness and to the exclusion of confidential communications.

N.C. Gen. Stat. § 7B-301 (LexisNexis through 2011 Reg. Sess.)

Any person or institution that has cause to suspect that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the Department of Social Services in the county where the juvenile resides or is found.

North Dakota**N.D. Cent. Code § 50-25.1-03(1) (LexisNexis through 2011 Spec. Sess.)**

Any member of the clergy having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of a spiritual advisor.

Northern Mariana Islands

This issue is not addressed in the statutes reviewed.

Ohio**Ohio Rev. Code § 2151.421(A)(4)(a) (LexisNexis through 5-7-12)**

No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under age 18 or a mentally retarded, developmentally disabled, or physically impaired child under age 21 has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division.

Ohio Rev. Code § 2151.421(A)(4)(b)-(d) (LexisNexis through 5-7-12)

A cleric is not required to make a report concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with § 2317.02(C), the cleric could not testify with respect to that communication in a civil or criminal proceeding.

The penitent in a cleric-penitent relationship is deemed to have waived any testimonial privilege with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report with respect to that communication, if all of the following apply:

- The penitent, at the time of the communication, is either a child under age 18 or a mentally retarded, developmentally disabled, or physically impaired person under age 21.
- The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.
- The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under age 18 or upon a mentally retarded, developmentally disabled, or physically impaired person under age 21 without the notification of her parents, guardian, or custodian in accordance with § 2151.85.

The above sections do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

Oklahoma**Okla. Stat. Ann. Tit. 10A, § 1-2-101 (LexisNexis through 2012 1st Reg. Sess.)**

Every person having reason to believe that a child under age 18 is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.

No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

Oregon**Or. Rev. Stat. Ann. § 419B.005(3)(h) (LexisNexis through Or. 2012 Legis. Serv., Ch. 92)**

Public or private official [includes]: member of the clergy.

Or. Rev. Stat. Ann. § 419B.010(1) (LexisNexis through Or. 2012 Legis. Serv., Ch. 92)

Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a child, shall immediately report or cause a report to be made.

Nothing shall affect the duty to report imposed by the reporting laws, except that a psychiatrist, psychologist, member of clergy, or attorney shall not be required to report such information communicated by a person if such communication is privileged under §§ 40.225 to 40.295.

Pennsylvania**23 Pa. Cons. Stat. Ann. § 6311(a), (b) (LexisNexis through 2012 Reg. Sess.)**

Except with respect to confidential communications made to an ordained member of the clergy, which are protected under law relating to confidential communications to clergy members, the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse [or neglect] and shall not constitute grounds for failure to report as required by this chapter.

Enumeration of persons required to report [includes]: members of the clergy.

Puerto Rico**P.R. Laws Ann. Tit. 8, § 446(b) (LexisNexis through Dec. 2009)**

Any person who has knowledge of or suspects that a minor is a victim of abuse, institutional abuse, neglect, and/or institutional neglect shall report that fact through the hotline of the department, to the Puerto Rico police, or to the local office of the department.

Rhode Island**R.I. Gen. Laws § 40-11-11 (LexisNexis through 3-2-12)**

The privileged quality of communication between husband and wife and any professional and his or her patient or client, except that between attorney and client, is hereby abrogated in situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required by this chapter, failure to cooperate with the department in its activities pursuant to this chapter, or failure to give or accept evidence in any judicial proceeding relating to child abuse or neglect. In any family court proceeding relating to child abuse or neglect, notwithstanding the provisions of other statutes, no privilege of confidentiality may be invoked with respect to any illness, trauma, incompetency, addiction to drugs, or alcoholism of any parent.

R.I. Gen. Laws § 40-11-3(a) (LexisNexis through 3-2-12)

Any person who has reasonable cause to know or suspect that any child has been abused or neglected or has been a victim of sexual abuse by another child shall, within 24 hours, transfer that information to the department.

South Carolina**S.C. Code Ann. § 63-7-420 (LexisNexis through 2011 Sess.)**

The privileged quality of communication between husband and wife and any professional person and his or her patient or client—except that between attorney and client or clergy member, including Christian Science practitioner or religious healer, and penitent—is abrogated and does not constitute grounds for failure to report or the exclusion of evidence in a civil protective proceeding resulting from a report pursuant to this article. However, a clergy member, including Christian Science practitioner or religious healer, must report in accordance with this subarticle, except when information is received from the alleged perpetrator of the abuse and neglect during a communication that is protected by the clergy and penitent privilege as defined in § 19-11-90.

S.C. Code Ann. § 63-7-310(A) (LexisNexis through 2011 Sess.)

Persons required to report include members of the clergy, including Christian Science practitioners or religious healers.

South Dakota

This issue is not addressed in the statutes reviewed.

Tennessee**Tenn. Code Ann. § 37-1-605(a) (LexisNexis through 2011 Reg. Sess.)**

Any person who knows or has reasonable cause to suspect that a child has been sexually abused shall report such knowledge or suspicion to the department.

Tenn. Code Ann. § 37-1-403(a) (LexisNexis through 2011 Reg. Sess.)

Any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect.

Texas**Tex. Fam. Code Ann. § 261.101 (LexisNexis through 2011 1st Sess.)**

A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

The requirement to report under this section applies, without exception, to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health-care facility that provides reproductive services.

Utah**Utah Code Ann. § 62A-4a-403 (LexisNexis through 2011 3rd Sess.)**

When any person has reason to believe that a child has been subjected to abuse or neglect, or who observes a child being subjected to conditions or circumstances that reasonably would result in abuse or neglect, he or she shall immediately notify the nearest peace officer, law enforcement agency, or office of the division.

The notification requirements do not apply to a clergy member or priest, without the consent of the person making the confession, with regard to any confession made to him or her in his or her professional character in the course of discipline enjoined by the church to which he or she belongs, if:

- The confession was made directly to the clergy member or priest by the perpetrator.
- The clergy member or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

When the clergy member or priest receives information about abuse or neglect from any source other than confession of the perpetrator, he or she is required to give notification on the basis of that information, even though he or she may have also received a report of abuse or neglect from the confession of the perpetrator.

Exemption of notification requirements for a clergy member or priest does not exempt him or her from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

Vermont**Vt. Stat. Ann. Tit. 33, § 4913(a), (f)-(h) (LexisNexis through Vt. 2012 Legis. Serv., Act 156)**

Any member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the reporting laws.

Except as provided below, a person may not refuse to make a report required by this section on the grounds that making the report would violate privilege or disclose a confidential communication.

A member of the clergy shall not be required to make a report under this section if the report would be based upon information revealed in a communication that is:

- Made to a member of the clergy acting in his or her capacity as spiritual advisor
- Intended by the parties to be confidential at the time the communication is made
- Intended by the communicant to be an act of contrition or a matter of conscience
- Required to be confidential by religious law, doctrine, or tenet

When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described above, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described above.

Vt. Stat. Ann. Tit. 33, § 4912(12) (LexisNexis through 2012 Sess.)

'Member of the clergy' means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner.

Virgin Islands

This issue is not addressed in the statutes reviewed.

Virginia**Va. Code Ann. § 63.2-1509 (LexisNexis through Va. 2012 Legis. Serv., Act 815)**

This subsection [enumerating mandated reporters] shall not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner, or (ii) information that would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court.

Washington**Wash. Rev. Code Ann. § 26.44.030(7) (LexisNexis through Wash. 2012 Legis. Serv., Act 259)**

Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

Wash. Rev. Code Ann. § 26.44.060(3) (LexisNexis through 2012 Reg. Sess.)

Conduct conforming with reporting requirements shall not be deemed a violation of the confidential communication privilege of §§ 5.60.060 (3) and (4) [pertaining to clergy-penitent and physician-patient privilege], 18.53.200 [pertaining to optometrist-patient privilege], and 18.83.110 [pertaining to psychologist-client privilege].

West Virginia

W. Va. Code Ann. § 49-6A-7 (LexisNexis through 2012 1st Ex. Sess.)

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, except that between attorney and client, is hereby abrogated in situations involving suspected or known child abuse or neglect.

W. Va. Code Ann. § 49-6A-2 (LexisNexis through W. Va. 2012 Legis. Serv., S. B. 161)

When any member of the clergy has reasonable cause to suspect that a child is neglected or abused, or observes the child being subjected to conditions that are likely to result in abuse or neglect, such person shall immediately, and not more than 48 hours after suspecting this abuse, report the circumstances or cause a report to be made to the Department of Health and Human Resources.

Wisconsin

Wis. Stat. Ann. § 48.981(2)(b) (LexisNexis through 12-15-11)

Except as provided below, a member of the clergy shall report if the member of the clergy has reasonable cause to suspect that a child seen by the member of the clergy in the course of his or her professional duties:

- Has been abused
- Has been threatened with abuse, and abuse of the child will likely occur

Except as provided below, a member of the clergy shall report if the member of the clergy has reasonable cause, based on observations made or information that he or she receives, to suspect that a member of the clergy has done any of the following:

- Abused a child
- Threatened a child with abuse, and abuse of the child will likely occur

A member of the clergy is not required to report child abuse information that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.

Wyoming

Wyo. Stat. Ann. § 14-3-205(a) (LexisNexis through 2011 Reg. Sess.)

Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected, or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency, or cause a report to be made.

Wyo. Stat. Ann. § 14-3-210 (LexisNexis through 2011 Reg. Sess.)

Evidence regarding a child in any judicial proceeding resulting from a report made pursuant to the reporting laws shall not be excluded on the ground it constitutes a privileged communication:

- Between husband and wife
- Claimed under any provision of law other than § 1-12-101(a)(i) [regarding attorney-client or physician-patient privilege] and § 1-12-101(a)(ii) [regarding privilege of a clergy member or priest as it relates to a confession made to him or her in his or her professional character if enjoined by the church to which he or she belongs]
- Claimed pursuant to § 1-12-116 [regarding the confidential communication between a family violence and sexual assault advocate and victim]



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

