



**STATE STATUTES**  
CURRENT THROUGH APRIL 2019

# Clergy as Mandatory Reporters of Child Abuse and Neglect

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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.<sup>1</sup> Approximately 28 States and Guam currently include members of the clergy among those professionals specifically mandated by law to report known or suspected instances of child abuse or neglect.<sup>2</sup> In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report it.<sup>3</sup> This inclusive language appears to include clergy.

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<sup>1</sup> For more information on mandated reporters, see Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/mandat/>.

<sup>2</sup> The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through April 2019. 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, Virginia, West Virginia, and Wisconsin.

<sup>3</sup> 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.

## PRIVILEGED COMMUNICATIONS

As a doctrine of some faiths, clergy must maintain the confidentiality of pastoral communications. This is sometimes referred to as "clergy-penitent privilege," where "penitent" refers to the person consulting the clergy. 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.<sup>1</sup> 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 clergy are included as mandated reporters within other broad categories of professionals who work with children. For example, in 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 10 States explicitly include Christian Science practitioners among classes of clergy required to report.<sup>2</sup> In those States, the clergy-penitent privilege also is extended to those practitioners by statute.

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<sup>1</sup> The issue of clergy-penitent privilege also may be addressed in case law, which is beyond the scope of this publication.

<sup>2</sup> Christian Science practitioners are included as clergy in Arizona, Arkansas, Louisiana, Massachusetts, Missouri, Montana, Nevada, South Carolina, Pennsylvania, and Vermont. Alaska and Pennsylvania include religious healing practitioners as mandatory reporters, and they are allowed to claim privilege. South Dakota also designates religious healing practitioners as mandatory reporters, but the issue of privilege is not addressed in the statute. American Samoa requires Christian Science practitioners to report, but it is not clear from the context whether they are considered clergy or health-care providers.

The following chart 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.

	<b>Privilege granted but limited to pastoral communications</b>	<b>Privilege denied in cases of suspected child abuse or neglect</b>	<b>Privilege not addressed in the reporting laws</b>
<b>Clergy enumerated as mandated reporters</b>	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, Virginia, Wisconsin	Guam, New Hampshire, West Virginia	Connecticut, Mississippi
<b>Clergy not enumerated as mandated reporters but may be included with "any person" designation</b>	Delaware, Florida, Idaho, Kentucky, Maryland, Utah, Wyoming	North Carolina, Oklahoma, Rhode Island, Texas	Indiana, Nebraska, New Jersey, Tennessee, Puerto Rico
<b>Neither clergy nor "any person" enumerated as mandated reporters</b>	Alaska, Washington <sup>3</sup>	Not applicable	American Samoa, District of Columbia, Hawaii, Iowa, Kansas, New York, Northern Mariana Islands, South Dakota, Virgin Islands

<sup>3</sup> Clergy are not mandated reporters in Washington, but if they elect to report, their report and any testimony are provided statutory immunity from liability.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, 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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