



STATE STATUTES
CURRENT THROUGH MAY 2023

Clergy as Mandatory Reporters of Child Abuse and Neglect

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Any concerned person can submit a report to child protective services when they suspect that a child is being harmed by abuse or 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 These individuals are referred to as “mandatory reporters.” In many States, the individuals designated as mandatory reporters include clergy members. For this publication, statutes regarding including clergy as mandatory reporters were collected for all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

WHAT'S INSIDE

The requirement for clergy to report

Privileged communications

Summary of State provisions

¹ For more information on mandated reporters, see Child Welfare Information Gateway's [Mandatory Reporting of Child Abuse and Neglect](#).



THE REQUIREMENT FOR CLERGY TO REPORT

Approximately 29 States and Guam include members of the clergy among those professionals specifically mandated by law to report known or suspected instances of child abuse or neglect.² In approximately 16 States, Puerto Rico, and the Virgin Islands, any person who suspects child abuse or neglect is required to report it.³ This inclusive language appears to include clergy. 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.

As with other mandatory reporters, clergy are required to report when they have reason to suspect that the child’s parent or other person responsible for the child’s care has abused or neglected a child. In Ohio and Wisconsin, a clergy member must report if they have reasonable cause to suspect that another clergy member has abused a child, threatened a child with abuse, or that abuse of the child will likely occur.

Many States and Territories include Christian Science practitioners or religious healers among professionals who are mandated to report suspected child maltreatment. In many instances, they appear to be regarded as health-care providers. Only 12 States explicitly include Christian Science practitioners among classes of clergy required to report.⁴

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.⁵

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, New Hampshire, West Virginia, and Guam deny the clergy-penitent privilege in cases of child abuse or neglect.

² The word “approximately” is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through May 2023. States that include clergy as mandated reporters are Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, 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.

³ Alaska, Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Nebraska, New Jersey, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming

⁴ Christian Science practitioners are included as clergy in Arizona, Arkansas, Florida, Louisiana, Massachusetts, Missouri, Montana, South Carolina, South Dakota, Pennsylvania, Vermont, and Washington. Nevada and American Samoa require Christian Science practitioners to report, but it is not clear from the context whether they are considered clergy or health-care providers.

⁵ The privilege of maintaining this confidentiality under State law must be provided by statute. Most States provide the privilege, typically in rules of evidence or civil procedure. 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. The issue of clergy-penitent privilege also may be addressed in case law, which is beyond the scope of this publication.

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 Tennessee, privilege is denied when the case involves suspected child sexual abuse. In Washington, clergy are not enumerated as mandated reporters, but the clergy-penitent privilege is affirmed within the reporting laws. In the States that include Christian Science practitioners in the definition of clergy, the clergy-penitent privilege is extended to those practitioners by statute.

SUMMARY OF STATE PROVISIONS

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.

	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, Hawaii, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, and Wisconsin	Guam, New Hampshire, and West Virginia	Connecticut and Mississippi
Clergy not enumerated as mandated reporters but may be included with “any person” designation	Delaware, Florida, Idaho, Kentucky, Maryland, Utah, and Wyoming	North Carolina, Oklahoma, Rhode Island, Tennessee ⁶ , Texas, Puerto Rico, and U.S. Virgin Islands	Alaska, Indiana, Nebraska, and New Jersey
Neither clergy nor “any person” enumerated as mandated reporters	Washington	Not applicable	American Samoa, District of Columbia, Iowa, Kansas, New York, Northern Mariana Islands, and South Dakota

⁶ Privilege is denied in cases involving suspected child sexual abuse.

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.

SUGGESTED CITATION

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