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March 2005

Clergy as Mandatory Reporters of Child Abuse and Neglect: Full-Text Excerpts of State Laws

Clergy's Responsibility to Report

A mandatory reporter is a person who is required to report suspected cases of child abuse and neglect. Every State, the District of Columbia, and the U.S. territories have statutes that identify mandatory reporters of child maltreatment and specify the circumstances under which they are to report.

Approximately 25 States (Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana,

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Administration on Children, Youth and Families
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Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin) currently include members of the clergy among those professionals specifically mandated by law to report known or suspected instances of child abuse or neglect.¹ In approximately 18 States (Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming) and Puerto Rico, any person who suspects child abuse or neglect is required to report.² This inclusive language appears to include all citizens as well as clergy but may be interpreted otherwise.

Privileged Communications

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. "Privileged communications" is the statutory recognition of the right to maintain the confidentiality of such communication. Privileged communications may be exempt from the reporting laws. The privilege of maintaining this confidentiality under State law must be provided by statute.³ 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 child abuse or neglect context. The circumstances under which it is allowed vary from

¹ The word *approximately* is used throughout the State Statutes series to stress the fact that the States frequently amend their laws, so this information is current only through March 2005.

² Three of these States (Mississippi, New Hampshire, and New Mexico) also enumerate clergy as mandated reporters.

³ *American Jurisprudence*, 2nd Edition, vol. 81, p. 447. Rochester, NY: Lawyers Cooperative Publishing, 1992.

⁴ The issue of clergy-penitent privilege may also be addressed in case law, which this publication does not cover. For a fuller discussion of the issues, including significant case law, see Karen L. Ross, "Revealing Confidential Secrets: Will It Save Our Children?" 28 *Seton Hall Law Review* 963 (1998); or J. Michael Keel, "Law and Religion Collide Again: The Priest-Penitent Privilege in Child Abuse Reporting Cases." 28 *Cumberland Law Review* 681 (1997-1998).

State to State, and in some States it is denied altogether. For example, among the States that enumerate clergy as mandated reporters, New Hampshire and West Virginia deny the clergy-penitent privilege in cases of child abuse or neglect. Three of the States that enumerate “any person” as a mandated reporter (North Carolina, Rhode Island, and Texas) also deny clergy-penitent privilege in child abuse cases.

In States where neither clergy 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 eight States (Arizona, Arkansas, Louisiana, Massachusetts, Missouri, Nevada, South Carolina, and Vermont) explicitly include Christian Science practitioners among classes of clergy required to report. The clergy-penitent privilege is also extended to those practitioners by statute.

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, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, South Carolina, Vermont, Wisconsin	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	Washington ⁵	Not applicable	Alaska, American Samoa, District of Columbia, Georgia, Guam, Hawaii, Iowa, Kansas, New York, Northern Mariana Islands, Ohio, South Dakota, Virgin Islands, Virginia

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 2/6/04)**

Members of the clergy as defined in Rule 505 of the Alabama Rules of Evidence, ...when the child is known or suspected to be a victim of child abuse or neglect, shall be required to report, or cause a report to be made of the same, orally, either by telephone or direct communication immediately, 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 which communication shall continue to be privileged as provided by law.

Alaska

This issue is not addressed in the statutes reviewed.

American Samoa

This issue is not addressed in the statutes reviewed.

Arizona**Ariz. Rev. Stat. Ann. § 13-3620(A)-(B) (West, WESTLAW through 2003 2nd Spec. Sess.)**

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 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. § 12-12-518(b)(1) (WESTLAW through 2003 Reg. Sess.)**

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

Ark. Code Ann. § 12-12-507(b)(28), (c) (WESTLAW through 2003 Reg. Sess.)

When any of the following has reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment, or who observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, he or she shall immediately notify the child abuse hotline:

Any clergyman, which 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 he or she has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith, or he or she received the knowledge of suspected maltreatment from the offender in the context of a statement of admission.

No privilege or contract shall prevent anyone from reporting child maltreatment when he or she is a mandated reporter as required by this section.

California**Cal. Penal Code § 11165.7(a)(32)-(33) (West, WESTLAW through Ch. 10 of 2003-2004 Reg. Sess., 1st Ex. Sess.)**

A mandated reporter is defined as any of the following:

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

Cal. Penal Code § 11166(c)(1)-(2) (West, WESTLAW through Ch. 10 of 2003-2004 Reg. Sess. & 1st Ex. Sess.)

A clergy member who acquires knowledge or reasonable suspicion of child abuse during a penitential communication is not subject to the requirement 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.

Colorado**Colo. Rev. Stat. Ann. § 13-90-107(1)(c) (West, WESTLAW through 2003 Supp.)**

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.

Colo. Stat. Ann. § 19-3-304(2)(aa) (West, WESTLAW through 2003 Supp.)

Persons required to report such 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.

Connecticut**Conn. Gen. Stat. Ann. § 17a-101(b) (West, WESTLAW through 1-1-03)**

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

Delaware**Del. Code Ann. tit. 16, § 909 (Supp. 1998)**

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 (WESTLAW through 1999 1st Spec. Sess.)

Any other person who 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. § 39.204 (LexisNexis through 2004 Spec. 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.

Fla. Stat. Ann. § 39.201(1) (LexisNexis through 2004 Spec. 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 shall report such knowledge or suspicion to the department.

Georgia

This issue is not addressed in the statutes reviewed.

Guam

This issue is not addressed in the statutes reviewed.

Hawaii

This issue is not addressed in the statutes reviewed.

Idaho

Idaho Code § 16-1619(a), (c) (Supp. 1998)

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

- The church qualifies as tax-exempt under Federal statute;
- The confession or confidential communication was made directly to the duly ordained minister of religion; and
- The confession or confidential communication was made in the manner and context which 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 fall under this exemption.

Illinois

325 Ill. Comp. Stat. Ann. 5/4 (West, WESTLAW through 2003 Reg. 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.

Whenever such person is required to report under this act in his capacity as...a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such...church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such...church, synagogue, temple, mosque, or other religious institution, or his 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 (West, WESTLAW through 2003 Reg. Sess.)

A clergyman 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 which he or she professes, nor be compelled to divulge any information which has been obtained by him or her in such professional character or such spiritual advisor.

Indiana

This issue is not addressed in the statutes reviewed.

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) (Michie Supp. 1998)**

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.

Ky. Rev. Stat. Ann. § 620.050(3) (West, WESTLAW through 2-1-03)

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 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(13)(b)-(c) (West, WESTLAW through all 2003 Acts)**

'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 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 2004 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) (West, WESTLAW through 2003 Sess.)

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, clergyman, 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, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and
- The minister, clergyman, 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, § 51A (West, WESTLAW through 2003 1st Ann. Sess.)

Any priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, persons performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, or ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis, who, in his professional capacity shall have reasonable cause to believe that a child under the age of 18 years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse, or from neglect, including malnutrition...shall immediately report such condition to the department.

Notwithstanding chapter 233 § 20A, a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner shall report all cases of abuse under this section, but 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 a reasonable cause that a child is being injured as set forth in 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 a reporter.

Michigan

Mich. Comp. Laws Ann. § 722.631 (West, WESTLAW through 2003 Acts)

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.

Mich. Comp. Laws Ann. § 722.623 (West, WESTLAW through 2003 Acts)

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 department.

Minnesota**Minn. Stat. Ann. § 626.556, Subd. 3(a) (West, WESTLAW through 2003 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) (WESTLAW through End of 2001 2nd Ex. Sess.)**

Any...minister...having 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 and followed as soon thereafter as possible by a report in writing to the Department of Human Services...

Missouri**Mo. Ann. Stat. § 210.115 (LexisNexis through 3/9/04)**

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 of 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. § 210.140 (West, WESTLAW through End of 2001 1st Reg. Sess. & 1st Ex. Sess.)

Any legally recognized privileged communication, except that between attorney and client, or involving communications made to a minister or clergyman, 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. § 352.400 (LexisNexis through 3/9/04)

'Minister' means any person while practicing as a minister of the gospel, clergyperson, 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. § 41-3-201(2)(h), (4)(b) (WESTLAW through 2001 Reg. Sess.)**

Professionals and officials required to report [include]: a member of the clergy.

A clergyperson 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 clergyperson or priest in that person's capacity as a clergyperson or priest;
- The statement was intended to be a part of a confidential communication between the clergyperson or priest and a member of a clergyperson's or priest's church or congregation; and
- The person who made the statement or confession does not consent to the disclosure by the clergyperson or priest.

A clergyperson 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

This issue is not addressed in the statutes reviewed.

Nevada**Nev. Rev. Stat. Ann. § 432B.220(3)(d) (WESTLAW through 2003 Sess.)**

A report must be made by a clergyman, practitioner of Christian Science, or religious healer, unless he 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 (West, WESTLAW through 2001 Reg. 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 (West, WESTLAW through 2001 Reg. 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

This issue is not addressed in the statutes reviewed.

New Mexico**N.M. Stat. Ann. § 32A-4-3(A) (LexisNexis through 2004 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 (West, WESTLAW through 2000 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 (West, WESTLAW through 2001 Reg. Sess.)

Any person or institution who 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) (Supp. 1997)**

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.

Oklahoma**Okla. Stat. Ann. Tit. 10, § 7103 (LexisNexis through 2004 Sess.)**

Any...person, having reason to believe that a child under the age of 18 years 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.010(1) (WESTLAW through End of 2001 Reg. Sess. & Cum. Supp.)**

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.

Or. Rev. Stat. Ann. § 419B.005(3)(h) (LexisNexis through Or. 2003 Legis. Serv., H.B. 2050)

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

Pennsylvania**23 Pa. Cons. Stat. Ann. § 6311(a), (b) (West Supp. 1998)**

Except with respect to confidential communications made to an ordained member of the clergy, which are protected under law relating to confidential communications to clergymen, 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 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

This issue is not addressed in the statutes reviewed.

Rhode Island**R.I. Gen. Laws § 40-11-11 (1997)**

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) (WESTLAW through 2001 Reg. Sess.)

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. § 20-7-550 (LexisNexis through 2003 Supp.)**

The privileged quality of communication between husband and wife and any professional person and his 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. § 20-7-510(A) (LexisNexis through 2003 Supp.)

Persons required to report include: member of the clergy including a Christian Science Practitioner or religious healer.

South Dakota

This issue is not addressed in the statutes reviewed.

Tennessee

This issue is not addressed in the statutes reviewed.

Texas**Tex. Fam. Code Ann. § 261.101 (West, WESTLAW through End of 1999 Reg. 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 (Lexis, WESTLAW through End of 2000 Gen. Sess.)**

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

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

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

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

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

Vermont**Vt. Stat. Ann. tit. 33, § 4912(12) (LexisNexis through 2003 Sess.)**

'Member of the clergy' means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, 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.

Vt. Stat. Ann. Tit. 33, § 4913(a), (f)-(h) (LexisNexis through 2003 Sess.)

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 which 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; and
- 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.

Virgin Islands

This issue is not addressed in the statutes reviewed.

Virginia

This issue is not addressed in the statutes reviewed.

Washington**Wash. Rev. Code Ann. § 26.44.060(1)(a), (3) (LexisNexis through 2004 Sess.)**

Any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this State.

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].

Wash. Rev. Code Ann. § 26.44.030(7) (LexisNexis through 2003 3rd Spec. Sess.)

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.

West Virginia**W. Va. Code Ann. § 49-6A-7 (1996)**

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 End of 2001 6th Ex. Sess.)

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 state department of human services.

Wisconsin**Wis. Stat. Ann. § 48.981(2)(bm) (LexisNexis through Wis. 2003 Legis. Serv., Act 279)**

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; or
- 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; or
- 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. § 14-3-210 (Michie 1997)**

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 clergyman or priest as it relates to a confession made to him in his professional character if enjoined by the church to which he belongs];
- Claimed pursuant to § 1-12-116 regarding the confidential communication between a family violence and sexual assault advocate and victim.

Wyo. Stat. Ann. § 14-3-205(a) (Michie 1997)

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.