

Application of Child Abuse Reporting Laws to Ministers and Lay Church Workers

Church Law & Tax Report, May/June 2007

MINNESOTA

Statute	What is reportable “abuse”	Mandatory reporters	Where to report	Clergy privilege
<p>Stats. §§ 626.556 et seq. (2006)</p>	<p>(1) Sexual abuse by a person responsible for a child’s care, “a person who has a significant relationship to the child” (various relatives), a “person in a position of authority” (any person who is a parent or acting in the place of a parent, or a person who is charged with responsibility for the health, welfare, or supervision of a child, no matter how brief); (2) physical abuse by “a person responsible for the child’s care” (an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching) [626.556]</p> <p>A child is not neglected “solely because the child’s parent, guardian, or other person responsible for the child’s care...selects and depends upon spiritual means or prayer for treatment or care of disease in lieu of medical care” (unless lack of medical care may cause serious danger to the child’s health)</p>	<p>A person who knows or has reason to believe a child is being abused, or has been abused within the preceding three years, and who is (1) a professional who is engaged in the practice of the healing arts, social services, psychological or psychiatric treatment, child care, education, or (2) “employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged”</p>	<p>The local welfare agency, police department, or the county sheriff</p>	<p>“A member of the clergy is not required...to report information that is otherwise privileged” [626.556]</p>