

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

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NORTH DAKOTA

| Statute | What is reportable “abuse” | Mandatory reporters | Where to report | Clergy privilege |
|--|--|---|---------------------------------|--|
| Code §§ 50- 25.1.01 et seq. (1995) | Sexual abuse committed by anyone, or physical or mental abuse by a person responsible for the child’s welfare (includes the child’s parent, guardian, or foster parent; employee of a school or child care facility; or a person responsible for the child’s welfare in a residential setting) | Includes any “member of the clergy,” schoolteacher or administrator, day care center or any other child care worker Employers are subject to criminal and civil penalties for “retaliating” against an employee who reports child abuse (a rebuttable presumption of retaliation for adverse employment actions taken within 90 days of a child abuse report) | Department of Human Services | “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 spiritual advisor.” [50-25.1.03] |