

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

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Statute	What is reportable "abuse"	Mandatory reporters	Where to report	Clergy privilege
Code §§ 2151.0 31 et seq. (2006)	Physical or sexual abuse committed by anyone, or mental abuse inflicted by a parent, guardian, or custodian	“(4)(a) No cleric [i.e. member of the clergy] and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar positions to believe, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and how knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church,	The public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse occurred	“(4)(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if...the cleric could not testify with respect to that communication in a civil or criminal proceeding. “(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege...with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply: (i) The penitent at the time of the communication, is either a child under eighteen years of age or a mentally retarded,

		<p>religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division...”</p> <p>“Cleric” means “a member of the clergy, rabbi, priest, Christian science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.”</p> <p>Also includes any employee of a child day-care center, residential camp, or child day camp; school teacher or employee; professional counselor, while acting in an official or professional capacity, and “a person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion” [2151.421]</p>	<p>developmentally disabled or physically impaired person under twenty-one years of age. (ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent. (iii) The abuse or neglect does not arise out of the penitent’s attempt to have an abortion performed upon a child under eighteen years of age or upon a mentally retarded developmentally disabled, or physically impaired person under twenty-one years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.</p> <p>“(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust. [2151.421]</p>
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