

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 §§ 48-981 (2004)	Physical, sexual, or mental abuse	Includes any member of the clergy having reasonable cause to suspect that (1) a child seen in the course of his or her professional duties has been abused or has been threatened with abuse (and the abuse will likely occur); or (2) another member of the clergy has abused a child or threatened a child with abuse and the abuse will likely occur. Also includes any mental health professional, professional counselor, school teacher or administrator, child care worker in a day care center or child caring institution. No person making a report may be discharged from employment for so doing. “A determination that abuse or neglect has occurred may not be based solely on the fact that the child’s parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child.” [48-981]	Department of Health and Family Services or the sheriff or police department	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.” [48-981]