

CODE OF CONDUCT

INSTITUTE OF CHRIST THE KING SOVEREIGN PRIEST

I. Preamble

The members, staff, and volunteers of the Institute of Christ the King Sovereign Priest (the “Institute”) must exemplify Christian virtues and appropriate conduct. This *Code of Conduct* provides a set of standards for conduct for Institute members, staff, and volunteers when they are fulfilling their duties in service to the Institute. The Institute condemns all forms of misconduct – sexual, physical, or emotional. This *Code of Conduct* intends to establish a balance between encouraging positive and appropriate interactions and hindering inappropriate and/or potentially harmful or unsafe interactions. The goal of this Code of Conduct is to create an environment where there is no opportunity for sexual misconduct or other harmful acts.

II. Responsibility

The public and private conduct of the Institute’s members, staff, and volunteers can inspire and motivate, but when the actions are inappropriate it can also scandalize and undermine the people’s faith. The Institute’s members, staff, and volunteers must know that God’s goodness and grace supports them in their ministry, and they must also be aware of the responsibilities that come with the trust offered by those seeking advice, guidance and instruction.

Responsibility for adherence to the *Code of Conduct* is not optional and rests with the individual. All members, staff, and adult volunteers are expected to follow these guidelines, and those who disregard this *Code of Conduct* or fail to act consistently with the *Code of Conduct* will be subject to remedial action by the Institute. Violations of these guidelines are a serious matter and will be investigated and resolved in accordance with the Institute’s policy. Corrective action may take various forms—from a verbal reproach to removal from the ministry based on the specific nature and circumstances of the offense and the extent of the harm or potential harm.

III. Definitions

3.1. Adults; Adult Volunteers

Adults are those who are age 18 or older. An Adult Volunteer is an adult who serves the Institute in an uncompensated role under the supervision of the Local Superior, and who is required by the local diocese to comply with its safe environment policies and procedures.

3.2. Members

- 3.2.1. Members are: incardinated priests (canons) and deacons of the Institute who reside in the U.S.; affiliated priests who may be serving for a time or residing in one of the Institute's houses in the U.S.; oblates (brothers) of the Institute who reside in the U.S.; seminarians residing for a time in one of the Institute's houses in the U.S.; and candidates, who are young men discerning a vocation and living in one of the Institute's houses in the U.S. for the purpose of experiencing community life.
- 3.2.2. If, at some point in the future, the Sisters of the Institute (Adorers of the Royal Heart of Jesus) were to establish a convent in the United States, the Sisters residing in the U.S. would also be classified as "members" of the Institute and would be subject to this Code of Conduct.

3.3. Minor

"Minor" is a person younger than 18 years of age.

3.4. Sexual Misconduct

Sexual misconduct includes:

- 3.4.1. "Sexual intimacy," meaning physical sexual contact as well as conversation, communication, or body language of a sexual nature or which could reasonably be perceived as being of a sexual nature. Consensual and nonconsensual sexual intimacy is considered sexual misconduct; however, sexual intimacy between married individuals is not sexual misconduct.
- 3.4.2. Sexual advances or sexual touching.
- 3.4.3. Sexual comments or jokes, including sexual communications on Social Media.
- 3.4.4. Displaying or viewing of pornographic materials.
- 3.4.5. Nudity around others.
- 3.4.6. Laying down on a bed, sofa, or the floor with a minor.
- 3.4.7. Dating a minor.
- 3.4.8. Taking photographs of others who are dressing, showering, or in any compromising circumstance.
- 3.4.9. Exploitation of another for sexual purposes by using one's power or position of authority to gain sexual favors.

3.5. Social Media

- 3.5.1. Social media is any form of electronic communication through which a user creates, utilizes, accesses, retrieves, and/or visits online communities or systems to share information, ideas, personal messages, and/or other content.
- 3.5.2. Social media includes, but is not limited to, all of the following: email, texting, chat rooms, instant messaging, social networks, video messaging, on-line message boards, gaming systems, mobile telephones, on-line voice or video communications, etc.

3.6. Spiritual Directors

The role of spiritual director may be exercised only by priest members.

3.7. Superior

- 3.7.1. A “superior” is a member of the Institute who, according to the norms of Canon Law, exercises authority over other members of the community. The superior of each house is called the “prior.” The “prior general” is the worldwide superior.
- 3.7.2. The provincial superior exercises authority over the U.S. district of the Institute, called the “province.”

3.8. Vulnerable Person

A vulnerable person is a person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits his or her ability to understand or to want or otherwise resist an offense.

IV. General Standards of Appropriate Behavior

These General Standards of Appropriate Behavior apply to services provided to all clients. Supplemental standards apply to Institute activities involving minors (Section V) and to the Institute’s Spiritual Directors (Section VI).

4.1. Background Checks and Training Required

All of the Institute’s members, staff and adult volunteers shall:

- 4.1.1. undergo a background check as required by the local diocese;
- 4.1.2. participate in the initial and ongoing Safe Environment training programs as required by the local diocese;
- 4.1.3. annually read this Code of Conduct, including all updates; and annually sign an acknowledgment of adherence to this Code of Conduct.

4.2. No Sexual Misconduct

- 4.2.1. Members are committed to a celibate lifestyle and are called to be an example of celibate chastity in all relationships at all times. Under no circumstances shall members engage in sexual misconduct.
- 4.2.2. Staff and adult volunteers of the Institute are called to be an example of chastity in all relationships at all times. Under no circumstances may staff or adult volunteers engage in sexual misconduct.
- 4.2.3. If at any time, a minor or vulnerable adult indicates an interest in establishing or pursuing an intimate relationship with a member, staff, or adult volunteer, the member, staff or adult volunteer must immediately notify his superior, with the end goal of working together to decide an appropriate course of action to interrupt this thinking.

4.3. Limit Physical Contact

- 4.3.1. Physical contact with minors and vulnerable adults can be misconstrued and should only occur in public. Any such physical contact must be completely nonsexual. Physical contact should never occur in private.
- 4.3.2. Except in emergencies, physical contact with minors and vulnerable adults should be initiated by minor or vulnerable adult. Members, staff, and adult volunteers should not generally initiate physical contact other than an occasional congratulatory pat on the upper back, hand shake, “high five”, etc.

4.4. No Gifts or Loans

- 4.4.1. Members, staff, and adult volunteers shall report the receipt of a gifts in excess of \$25 to the superior, except for modest group appreciation gifts where each individual contributes a small amount. Gifts in excess of \$500 shall not be accepted without the written approval of the superior.
- 4.4.2. Members, staff, and adult volunteers may not accept a bequest in excess of \$500 , nor receive any loans from individuals they have served in the course of their work with the Institute, without the written approval of the superior.

4.5. No Drugs; No Excessive Alcohol Use

- 4.5.1. Members, staff, and volunteers shall not possess or use drugs or medications except for over the counter medications and medications used in accordance with their prescriptions. Members in violation of this policy shall be subject to appropriate canonical or ecclesial discipline as determined by the provincial superior. Staff and volunteers violating this policy may be terminated.
- 4.5.2. Members, staff, and adult volunteers may use alcohol in moderation at Institute events, except for at activities offered specifically for minors, and unless otherwise prohibited by the superior or local law.

4.6. Respect for Personal Living Spaces

Institute activities that include overnight stays must meet the following standards:

- 4.6.1. Men and women must have separate sleeping, bathing, and bathroom facilities.
- 4.6.2. Members, staff, and adult volunteers may not share bedrooms with other Members, staff, adult volunteers, and vulnerable adults. On trips or retreats away from permanent Institute locations, if separate accommodations cannot be provided due to group size or limited availability, then an exception may be made to this policy if (a) the provincial superior approves the accommodations in advance; and (b) the alternative accommodations do not mix males and females.

4.7. Use of Social Media

- 4.7.1. The Institute is the sole owner of its social media communications. No user has any ownership interest or expectation of privacy in such communications and the Institute retains the right, in its sole discretion, to review all communications and activity on its electronic devices, without prior notice to any user.
- 4.7.2. With the exception of personal telephone and email accounts, members may not have a purely personal account for any form of social media. Personal email accounts may not be used for Institute matters.
- 4.7.3. Except in an emergency, all social media communications related to Institute activities should take place between the hours of 7:00 a.m. and 9:00 p.m., except that emails may be sent at night, provided that no immediate response is requested or expected.
- 4.7.4. Any communication using the Institute's social media must be consistent with Catholic moral teaching.
- 4.7.5. Individual apostolates of the Institute may have a social media account, with the permission of the provincial superior. The following guidelines shall apply to the Institute's social media presence:
 - a. Only official email addresses, office phone numbers, and job titles may be used with the Institute's social media accounts. These accounts must be registered in the name of the Institute, and labeled to reflect their official nature. Settings should protect the privacy of all to the fullest extent possible.
 - b. Passwords and administrative authority for such pages should be limited to the superior or his designee.
 - c. Superiors and/or their designees should monitor sponsored sites. Inappropriate content should be promptly removed/deleted.
 - d. If, at any time, members, staff, or volunteers receive an inappropriate personal communication in connection with his service to the Institute, the individual should maintain an electronic copy, print a hard copy, and notify the superior immediately.

4.8. Audiovisual Media Policy

- 4.8.1. As an integral part of its mission, the Institute may take or acquire photographs, videos, or voice recordings ("Audiovisual Media") that communicate news about the implementation of its mission and vision. This Audiovisual Media is usually of individuals at public events, such as Masses, Baptisms, Confirmations, performances, and community outreach projects. This Audiovisual Media may be routinely published in printed and digital publications and training materials, and/or on its website or other social media platforms. Before participating in the Institute's *private* events, such as events requiring advance registration or payment of a fee, individuals will be asked to provide written permission for the use of their images. The Institute is committed to the responsible use of Audiovisual Media.
- 4.8.2. The Institute will not knowingly publish Audiovisual Media that could be an embarrassment, cause scandal, or bring discredit to the Institute or any individual.

- 4.8.3. Neither full names nor contact information will be published alongside any Audiovisual Media without the individual's consent.
- 4.8.4. No Audiovisual Media of an individual will be used in any fundraising appeal without that individual's consent.
- 4.8.5. Attribution credit will be given when required by applicable copyright laws.
- 4.8.6. As a courtesy, and to the extent possible, the Institute will decline to use Audiovisual Media, or will promptly remove it, upon request. In some circumstances, it may be impossible to accommodate such a request, as for example when the Audiovisual Media is of a large group at a public event.
- 4.8.7. This Audiovisual Media Policy will be published for the public on the Institute's website, in its newsletters, and outside of its sanctuaries so that those who prefer for their images or voice not to be used in accordance with Institute policy may take action to avoid being recorded.

4.9. Be Alert for Special Needs

Many people, especially vulnerable persons, cannot hear, see, run, play, listen and/or actively engage as well as others. Actively assess the individuals to whom you minister. Strive to keep them safe from physical and emotional harm and actively attend to their needs. Seek help from your superior if an individual you serve needs extra help or accommodation. If because of age or other infirmity, you perceive that an individual might misconstrue your actions and intentions, make sure that your interactions are in public and in the company of other witnesses.

4.10. Monitoring Behavior

Members, staff, and adult volunteers shall learn the warning signs of potentially abusive relationships and shall monitor the behavior of other members, staff, and adult volunteers with whom they have contact. Members, staff, and adult volunteers shall maintain a healthy suspicion of all adults involved in Institute activities and shall watch for grooming behaviors identified in diocesan and Institute safe environment training, such as: showing favoritism, giving gifts, arranging unsupervised or unscheduled time alone with a minor, or engaging in frequent physical contact with a minor. Any member, staff, or adult volunteer who perceives that another adult is engaging in grooming behaviors, sexual misconduct, or other inappropriate or harmful behavior shall immediately report this information to the superior.

V. Standards of Conduct With Minors

5.1. Two Adults at All Times

- 5.1.1. No fewer than two members, staff, or adult volunteers must be present at all Institute activities involving minors (including transportation to and from Institute activities), except in the case of an Institute priest offering spiritual direction.

- 5.1.2. Furthermore, the superior should establish specific age and program supervision ratios for each activity involving minors. Ratios should be determined separately for each activity based on: (a) age and development of the minors, (b) the level of risk of isolation in the activity, and (c) location of the activity and ability for others to casually observe an adult's interaction with a minor.
- 5.1.3. Under no circumstances may a minor be placed in a supervisory role over other minors. It is the responsibility of adults to properly supervise the minors in their care.

5.2. No Drugs and Alcohol

Members, staff, and adult volunteers shall not use alcohol when working with minors (aside from the use of wine in the Holy Sacrifice of the Mass). Members in violation of this policy shall be subject to appropriate canonical or ecclesial discipline as determined by the provincial superior. Staff and volunteers violating this policy may be terminated.

5.3. Respect for Personal Living Spaces – Supplemental Provisions Involving Minors

- 5.3.1. Members, staff, and adult volunteers should not allow minors to visit or stay overnight in the member's, staff's or adult volunteer's private living quarters, accommodations, or residence.
- 5.3.2. Members, staff, and adult volunteers may not visit a minor in his residence unless another adult is present.
- 5.3.3. For Institute activities that include overnight stays with minors, members, staff, and adult volunteers may not share bedrooms with minors, including but not limited to, bedrooms in any Church-owned facility, private residence, hotel room, or any other place. Where separate accommodations cannot be provided due to group size or limited availability, then an exception may be made to this policy if the following three criteria are met: (a) the provincial superior approves the accommodations in advance; (b) the alternative accommodations do not mix males and females; and (c) the rule pertaining to "Two Adults at All Times," above, remains in force.

5.4. Use of Social Media – Supplemental Provisions Involving Minors

- 5.4.1. No member, staff member, or adult volunteer shall collect email addresses, phone numbers or any other contact or social media information from minors without written permission from parents or guardians. Parents or guardians must designate, in writing, which form(s) of communication with minors may be used and must provide the contact information.
- 5.4.2. Members, staff, and adult volunteers will normally use office land lines and official Institute email accounts to conduct conversations with minors. Members, staff, and adult volunteers who wish to conduct email or online conversations with minors age 13 or below must do so only through the social media (see definition above) accounts of the minor's parent or guardian. Members, staff, and adult volunteers will not share personal social media accounts with minors, except for cell phone numbers when used in accordance with the texting policy below.

- 5.4.3. Members, staff, and adult volunteers who communicate with minors between the ages of 14 and 17 by means of text or other electronic messaging service must copy the minor's parent or guardian on all such communications.
- 5.4.4. Members, staff, and adult volunteers may not add any minors to personal email lists. When copying minors on approved communications, blind copy options must be used so that other recipients cannot gain access to the minor's contact information.
- 5.4.5. Any staff or adult volunteer who receives a "friend request" on his personal social media account from a minor affiliated with the Institute should reject the request, unless specific permission is granted by the superior and the individual's parent or guardian.

5.5. Audiovisual Media Policy- Supplemental Provision Involving Minors

- 5.5.1. Parents and/or guardians of minors will be given a copy of the Institute's Audiovisual Media Policy.
- 5.5.2. By permitting minor to participate in the Institute's *public* events, such as Masses, Baptisms, Confirmations, performances, and community outreach projects, parents and guardians will be deemed to have consented to the Institute's policy, which allows Audiovisual Media of minors to be used as described in the policy.
- 5.5.3. Before participating in the Institute's *private* events, such as events requiring advance registration or payment of a fee, parents and guardians will be asked to provide written permission for the use of a minor's Audiovisual Media at the private event.

VI. Pastoral Standards for Spiritual Directors

6.1. General Standards of Conduct for Spiritual Directors

Spiritual Directors must respect the rights and advance the welfare of each person. The General Standards of Appropriate Behavior and the Standards of Conduct With Minors (Sections IV and V, above) apply to Spiritual Directors in the context of spiritual direction, except that spiritual direction may involve, when appropriate, one-on-one communications between a spiritual director and a minor.

6.2. Time and Location of Spiritual Direction

- 6.2.1. No sessions may be conducted in private living quarters, including any bedroom at any camp, retreat facility, hotel, or motel.
- 6.2.2. Sessions should not be held at places or times that could cause confusion about the nature of the relationship for the person receiving spiritual direction or for others in the environment. Spiritual direction may only take place in locations which permit random observation by others because such a setting provides assurance that the interactions are appropriate to the relationship without compromising the privacy of the session. For example, spiritual direction should take place only in an office or other easily accessible place with an unobstructed window in the door or wall allowing visibility to those outside the meeting space,

or in an office or other easily accessible place with the door left partially open such that the member and counselee can be seen by others. Spiritual Directors should never meet alone with a counselee in a location or at a time when no one else is in the facility to observe interactions. Spiritual Directors should always promote an atmosphere and attitude of openness and transparency.

- 6.2.3. If an individual comes for an unscheduled appointment or arrives at a time when there are no other adults in the facility, the Spiritual Director should either reschedule the appointment or require another adult to stay in the facility during the appointment.
- 6.2.4. To the extent that an unforeseen circumstance arises wherein a Spiritual Director cannot comply precisely with this Code of Conduct, he shall immediately advise the counselee and the superior of the circumstances and the manner in which the Spiritual Director adapted the policies to the unforeseen circumstance.

6.3. Precautions in Providing Spiritual Direction to Minors

- 6.3.1. Spiritual Directors shall inform parents or guardians in writing when they are beginning a course of spiritual direction with a minor. This written notice shall include a statement of the Institute's policies and procedures with respect to minors, and require written acknowledgement of receipt by the parent or guardian.
- 6.3.2. Spiritual Directors should inform their superiors and/or other staff on the premises of one-on-one meetings with minors, and invite random visual observation or status checks—even if the meeting is not on the Institute premises.

VII. Reporting Violations or Potential Violations of the Code of Conduct

Members, staff and volunteers are required to report violations, or concerns about potential violations, of this Code of Conduct. With respect to priest members, this requirement is subject to the seal of the confessional and the obligation of confidentiality as to spiritual direction protected by the Forum Internum. To the extent allowed by law, all reporting will be kept in strict confidence, so as to protect the rights of the one who reports the concern, the potential victim, and the potential accused.

7.1. Reporting Violations or Potential Violations Internally

- 7.1.1. Members, staff, and adult volunteers must report to the superior behaviors that raise concerns or violate this Code of Conduct. If the incident involves the superior, a report must be made to the provincial superior.
- 7.1.2. The superior may request that the concern be documented. The member, staff, or adult volunteer must follow the documentation processes requested by the superior.
- 7.1.3. Any member, staff, or adult volunteer should refrain from discussing the matter with others and keep the matter confidential to the extent possible, out of respect for the dignity of the accused and the potential victim.

- 7.1.4. Upon receipt of any report, the superior (or, when applicable, the provincial superior) is charged with the responsibility of determining the appropriate course of any investigation and resulting action. The superior shall make a written documentation of any report that he receives.

7.2. Reporting Violations to Civil Authorities

- 7.2.1. Members, staff, and adult volunteers who become aware of illegal actions by members, staff, or volunteers, must notify the proper civil authorities immediately, and must also notify the superior immediately. With respect to priest members, this requirement is subject to the seal of the confessional and the obligation of confidentiality as to spiritual direction protected by the Forum Internum.
- 7.2.2. Allegations of sexual misconduct will be taken seriously and reported to civil authorities as required by law. Allegations of sexual misconduct will be reported to the Provincial Superior of the Institute in the U.S. in all circumstances. Institute procedures will be followed to protect the rights of all involved.
- 7.2.3. Members, staff, and adult volunteers should review and learn the contents of the child abuse regulations and reporting requirements for the state in which they reside and/or participate in Institute activities, and, should follow those mandates. See Appendix for a list of child abuse reporting requirements.

INDEX
Code of Conduct
Institute of Christ the King Sovereign Priest

I. Preamble.....	1
II. Responsibility.....	1
III. Definitions	1
3.1. Adults; Adult Volunteers	1
3.2. Members	2
3.3. Minor	2
3.4. Sexual Misconduct.....	2
3.5. Social Media.....	2
3.6. Spiritual Directors.....	3
3.7. Superior.....	3
3.8. Vulnerable Person.....	3
IV. General Standards of Appropriate Behavior.....	3
4.1. Background Checks and Training Required	3
4.2. No Sexual Misconduct	3
4.3. Limit Physical Contact.....	4
4.4. No Gifts or Loans	4
4.5. No Drugs; No Excessive Alcohol Use	4
4.6. Respect for Personal Living Spaces	4
4.7. Use of Social Media	5
4.8. Audiovisual Media Policy	5
4.9. Be Alert for Special Needs.....	6
4.10. Monitoring Behavior	6
V. Standards of Conduct With Minors	6
5.1. Two Adults at All Times.....	6
5.2. No Drugs and Alcohol	7
5.3. Respect for Personal Living Spaces – Supplemental Provisions Involving Minors.....	7
5.4. Use of Social Media – Supplemental Provisions Involving Minors	7
5.5. Audiovisual Media Policy- Supplemental Provision Involving Minors	8
VI. Pastoral Standards for Spiritual Directors	8
6.1. General Standards of Conduct for Spiritual Directors	8
6.2. Time and Location of Spiritual Direction.....	8
6.3. Precautions in Providing Spiritual Direction to Minors.....	9
VII. Reporting Violations or Potential Violations of the Code of Conduct	9

7.1. Reporting Violations or Potential Violations Internally	9
7.2. Reporting Violations to Civil Authorities	10
INDEX Code of Conduct Institute of Christ the King Sovereign Priest	11
APPENDIX STATE LAWS ON REPORTING CHILD AND ELDER ABUSE AS OF SEPTEMBER, 2025	A

APPENDIX
STATE LAWS ON REPORTING CHILD AND ELDER ABUSE

Last updated September 2025
(new states added since last edition: Florida, Nevada, New York)

Appendix of Mandatory Child Abuse Reporting Laws

Arizona.....	4
Summary of Provisions	4
Excerpts from the Law.....	4
California	7
Summary of Provisions.....	7
Excerpts from the Law.....	7
Connecticut	13
Summary of Provisions.....	13
Excerpts from the Law.....	13
Florida.....	16
Summary of Provisions	16
Excerpts from the Law	16
Illinois	19
Summary of Provisions	19
Excerpts from the Law	19
Indiana.....	23
Summary of Provisions	23
Excerpts from the Law	23
Louisiana.....	26
Summary of Provisions.....	26
Excerpts from the Law.....	26
Massachusetts	30
Summary of Provisions.....	30
Excerpts from the Law.....	30
Michigan	33
Summary of Provisions.....	33
Excerpts from the Law.....	33
Missouri	35
Summary of Provisions.....	35
Excerpts from the Law.....	35
Nevada	38
Summary of Provisions	38
Excerpts from the Law	38
New Jersey	42

Summary of Provisions.....	42
Excerpts from the Law	42
New York.....	44
Summary of Provisions	44
Excerpts from the Law	44
Ohio.....	48
Summary of Provisions	48
Excerpts from the Law	48
Pennsylvania	52
Summary of Provisions.....	52
Excerpts from the Law.....	52
Wisconsin.....	55
Summary of Provisions	55
Excerpts from the Law	55

ARIZONA

Summary of Provisions

Child Abuse Reporting: Arizona requires reporting by certain persons who reasonably believe a minor has been a victim of abuse or neglect. The roles that must report include clergy members, parents, school personnel, any other person who has responsibility for the care or treatment of a child, and any person who supervises someone who must report.

Priests are exempt from mandatory reporting if (1) the information comes from confession or other confidential communications received in the priest's role as a member of the clergy, and (2) the priest determines it is reasonable and necessary within his religion to withhold reporting such information. Note that this exemption does not apply to information learned from elsewhere, such as the priest's personal observations.

Reports must be made immediately to a peace officer, electronically or by phone. (Calling the department of child safety is an acceptable alternative for some offenses, but because Arizona law requires reporting some offenses to law enforcement, it is safer to report to a peace officer and then follow their lead on where else to report.)

This provision can be found at Arizona Revised Statutes § 13-3620. Highlighted excerpts are below.

Elder Abuse Reporting: Arizona requires any person responsible for the care of an elderly or vulnerable adult to make a report if they have a reasonable belief that an elderly or vulnerable adult is being abused, neglected, or exploited. The statute does not define what it means to be responsible for the care of an elderly or vulnerable adult, but it appears limited to medical personnel, home-health providers, therapists, and long-term care providers. Therefore, if the Institute's events or services are not designed to care for elderly or vulnerable adults in particular, there likely is no requirement to report. However, if the event or service is specifically for elderly or vulnerable adults, especially if it assumes a caregiver role, there could be a duty to report.

Reports must immediately be made to a peace officer or to the adult protective services central intake unit, which can be found here: des.az.gov/services/basic-needs/adult-protective-services.

The relevant provision is Arizona Revised Statutes § 46-454. Highlighted excerpts are below.

Excerpts from the Law*Child Abuse Reporting*Ariz. Rev. Stat. § 13-3620

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant . . . shall immediately report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a Christian Science practitioner or a priest who has received

a confidential communication or a confession in that person's role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, . . . behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
2. Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner.
3. The parent, stepparent or guardian of the minor.
4. School personnel, domestic violence victim advocates or sexual assault victim advocates who develop the reasonable belief in the course of their employment.
5. Any other person who has responsibility for the care or treatment of the minor.
6. Any person who is employed as the immediate or next higher level supervisor to or administrator of a person who is listed in paragraph 1, 2, 4 or 5 of this subsection and who develops the reasonable belief in the course of the supervisor's or administrator's employment, except that if the supervisor or administrator reasonably believes that the report has been made by a person who is required to report pursuant to paragraph 1, 2, 4 or 5 of this subsection, the supervisor or administrator is not required to report pursuant to this paragraph.

...

D. Reports shall be made immediately either electronically or by telephone.

...

F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to the department of child safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.

...

L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a Christian Science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. This subsection does not discharge a member of the clergy, a Christian Science practitioner or a priest from the duty to report pursuant to subsection A of this section.

*Elder Abuse Reporting*Ariz. Rev. Stat. § 46-454

A. A health professional, . . . home health provider, . . . long-term care provider, social worker, . . . guardian, conservator, . . . or other person who has responsibility for the care of a vulnerable adult and who has a reasonable basis to believe that abuse, neglect or exploitation of the vulnerable adult has occurred shall immediately report or cause reports to be made of such reasonable basis to a peace officer or to the adult protective services central intake unit. The guardian or conservator of a vulnerable adult shall immediately report or cause reports to be made of such reasonable basis to the superior court and the adult protective services central intake unit. The reports required by this subsection shall be made immediately by telephone or online.

...

E. Any person other than one required to report or cause reports to be made pursuant to subsection A or C of this section who has a reasonable basis to believe that abuse, neglect or exploitation of a vulnerable adult has occurred may report the information to a peace officer or to the adult protective services central intake unit.

CALIFORNIA

Summary of Provisions

Child Abuse Reporting: California mandatory reporters must report child abuse or neglect to a police or sheriff's department or the county welfare department. The report must be made by phone as soon as possible, and then a written report must be submitted within 36 hours. Reports can also be made through an internet-based reporting system if provided by the local county.

In California, mandatory reporters include clergy members; custodians of records for clergy members; administrators of day camps; employees and administrators of youth centers, youth recreation programs, and youth organizations; employees and leaders of organizations whose duties require direct contact and supervision of children; and employees, administrators, and coaches of schools.

ICKSP will identify whether you are a mandatory reporter in California. If so, ICKSP will (1) provide you a copy of California Penal Code §§ 11165.7, 11166, and 11167; (2) obtain your signature on a statement acknowledging your status and obligations as a mandatory reporter; and (3) keep a copy of your signed statement.

Priests are exempted from mandatory reporting if they learn of the abuse or neglect during a "penitential communication," which is a confidential communication made to a clergy member that he is obligated to keep secret as part of the practices or tenets of his church. Priests who acquire knowledge or a reasonable suspicion of child abuse or neglect under other circumstances are required to report it.

California's statutory provisions concerning child abuse reporting can be found at California Penal Code §§ 11164–11174.3. Highlighted excerpts are below.

Elder Abuse Reporting: California requires certain people to report abuse of elderly or vulnerable adults. Mandatory reporters include clergy members and people responsible for the full-time or intermittent care or custody of an elderly or vulnerable adult. Clergy members are exempt from reporting information learned through a penitential communication, but must otherwise report information learned in their roles. A clergy member is not responsible for reporting abuse or neglect that is not observable or discernable to an ordinary person without specialized training, unless he is employed by a long-term care facility or has the responsibility for the care of an elderly adult.

Reports should be made immediately, or as soon as practicable, by phone at 1-833-401-0832. Additionally, a written report must be submitted within 2 days of the initial report.

California's statutory provisions concerning elder abuse reporting can be found at Cal. Wel. & Inst. Code § 15630. Highlighted excerpts are below.

Excerpts from the Law

Child Abuse Reporting Cal. Penal Code § 11165.6

As used in this article, the term "child abuse or neglect" includes physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, and unlawful corporal punishment or

injury as defined in Section 11165.4. "Child abuse or neglect" does not include a mutual affray between minors.

Cal. Penal Code § 11165.7

(a) As used in this article, "mandated reporter" is defined as any of the following:

(1) A teacher.

(2) An instructional aide.

(3) A teacher's aide or teacher's assistant employed by a public or private school.

...

(6) An administrator of a public or private day camp.

(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.

(8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.

...

(10) A licensee, an administrator, or an employee of a licensed community care or child daycare facility.

...

(32) A clergy member, as specified in subdivision (d) of Section 11166. 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.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

...

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

...

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) (1) Except as provided in subdivision (d) and paragraph (2), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

...

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

Cal. Penal Code § 11166

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified, and a report shall be prepared and sent by fax or electronic transmission, even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

...

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written followup report.

...

(4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

...

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). 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 the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member's church, denomination, or organization, has a duty to keep those communications secret.

(2) This subdivision does not modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in the clergy member's professional capacity or within the scope of the clergy member's employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

...

(g) Any other person who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in the person's private capacity and not in the person's professional capacity or within the scope of the person's employment.

Cal. Penal Code § 11166.5

(a) (1) On and after January 1, 1985, any mandated reporter as specified in Section 11165.7, with the exception of child visitation monitors, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions. The statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Section 11166 and of his or her confidentiality rights under subdivision (d) of Section 11167. The

employer shall provide a copy of Sections 11165.7, 11166, and 11167 to the employee.

...

(2) The signed statements shall be retained by the employer or the court, as the case may be. The cost of printing, distribution, and filing of these statements shall be borne by the employer or the court.

Elder Abuse Reporting

Cal. Wel. & Inst. Code § 15630

(a) A person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not they receive compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

(b) (1) A mandated reporter who, in their professional capacity, or within the scope of their employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that they have experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known, suspected, or alleged instance of abuse by telephone or through a confidential internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made through the confidential internet reporting tool established in Section 15658, within two working days.

...

(2) (A) A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of elder or dependent adult abuse during a penitential communication is not subject to paragraph (1). For purposes of this subdivision, "penitential communication" means a communication that is 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 their church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of their church, denomination, or organization, has a duty to keep those communications secret.

(B) This subdivision shall not modify or limit a clergy member's duty to report known or suspected elder and dependent adult abuse if they are acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency.

(C) Notwithstanding this section, a clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an elder or dependent adult shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a reasonably prudent person having no specialized training or experience in elder or dependent care.

CONNECTICUT

Summary of Provisions

Child Abuse Reporting: Connecticut requires mandatory reporters to report known or suspected child abuse or neglect by telephone or in person to the Commissioner of Children and Families or a law enforcement agency. The initial report should be made within 12 hours of when the mandatory reporter obtains information concerning child abuse, and the mandatory reporter must file a written report within 48 hours of obtaining information of child abuse.

Mandatory reporters include clergy members, school employees, coaches and directors of youth athletics, individuals paid for child care at a facility or child care center, youth camp directors and staff. Individuals who are not mandatory reporters can also report known or suspected child abuse. Clergy might receive demands to reveal what they learned in confession in Connecticut, because of unclarity in state law. You should confer with ICKSP's legal counsel before revealing confidential information to ensure that state law does not unduly infringe on religion.¹

Connecticut's statutory provisions concerning child abuse reporting can be found at Conn. Gen. Stat. § 17a-101. Connecticut's priest-penitent privilege statute is found at Conn. Gen. Stat. § 52-146b. Highlighted excerpts from these statutes are below.

Elder Abuse: Connecticut law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to medical personnel, workers of facilities paid to provide care to elderly persons, and licensed counselors. *See* Conn. Gen. Stat. § 17b-451. Any person can make a report of known or suspected elder abuse to the Commissioner of Social Services or another designated person.

Excerpts from the Law*Child Abuse Reporting*Conn. Gen. Stat. § 17a-101

...

(b) The following persons shall be mandated reporters . . . (9) any school employee, as defined in section 53a-65, . . . (12) any individual who is employed as a coach or director of youth athletics and is eighteen years of age or older, (13) any individual who is employed as a coach or director of a private youth sports organization, league or team and is eighteen years of age or older, . . . (18) any member of the clergy, . . . (32) any person paid to care for a child in any public or private facility, child care center, group child care home or family child care home licensed by the state, . . . (35) any paid youth

¹ The Connecticut statute that governs child abuse reporting does not specifically exempt priests from their duties as mandatory reporters when they learn information related to child abuse through confession or other confidential communications. However, Connecticut law also contains a statutory privilege which prevents clergy members from revealing confidential communications revealed to them in the course of their duties. That privilege is held by the individual disclosing confidential information, not the clergy member, and can be waived by that individual. The Connecticut Office of Legislative Research has noted that the statute governing child abuse reporting and the statute protecting the privilege between clergy members and penitents appear to be at odds, and that the resolution turns on whether mandated reporting constitutes a "preliminary proceeding" to a civil or criminal case. *See* "Clergy Confidentiality and Mandatory Reporting," www.cga.ct.gov/2020/rpt/pdf/2020-R-0059.pdf. However, Connecticut courts have not ruled on this matter and attempts to introduce legislation to clarify the issue have not yet been successful.

camp director, assistant director and staff member who is twenty-one years of age or older, . . .

Conn. Gen. Stat. § 17a-101a

- (a) (1) Any mandated reporter, as described in section 17a-101, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (A) has been abused or neglected, as described in section 46b-120, (B) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (C) is placed at imminent risk of serious harm, or (2) any school employee, as defined in section 53a-65, as amended by this act, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person who is being educated by the Technical Education and Career System, a local or regional board of education, other than as part of an adult education program, or a nonpublic school, is a victim under the provisions of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, and the perpetrator is a school employee shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

Conn. Gen. Stat. § 17a-101b

- (a) An oral or electronic report shall be made by a mandated reporter as soon as practicable but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm. An oral report made pursuant to this subsection shall be made by telephone or in person to the Commissioner of Children and Families or a law enforcement agency. If a law enforcement agency receives an oral report, it shall immediately notify the commissioner. An electronic report made pursuant to this subsection shall be made in a manner prescribed by the commissioner. A mandated reporter who makes an electronic report pursuant to this section shall respond to further inquiries from the commissioner or the commissioner's designee made within twenty-four hours of such report.

Conn. Gen. Stat. § 17a-101c

Not later than forty-eight hours after making an oral report, a mandated reporter shall submit a written or electronic report to the Commissioner of Children and Families or the commissioner's designee. Such reports shall be made in a manner prescribed by the commissioner. When a mandated reporter is a member of the staff of a public or private institution or facility that provides care for such child or public or private school the reporter shall also submit a copy of the written or electronic report to the person in charge of such institution, school or facility or the person's designee. In the case of a report concerning a school employee holding a certificate, authorization or permit issued by the State Board of Education . . . a copy of the written or electronic report shall also be sent by the Commissioner of Children and Families. . . . In the case of an employee of a facility or institution that provides care for a child which is licensed by the state, a copy of the written or electronic report shall also be sent by the Commissioner of Children and Families to the executive head of the state licensing agency.

*Elder Abuse Reporting*Conn. Gen. Stat. § 17b-451

- (a) A mandatory reporter who has reasonable cause to suspect or believe that any elderly person has been abused, neglected, exploited or abandoned, or is in a condition that is the result of such abuse, neglect, exploitation or abandonment, or is in need of protective services, shall, not later than twenty-four hours after such suspicion or belief arose, report such information or cause a report to be made in any reasonable manner to the Commissioner of Social Services or to the person or persons designated by the commissioner to receive such reports. . . . For purposes of this subsection, “mandatory reporter” means any . . . (5) person paid for caring for a resident in a nursing home facility or residential care home . . . (8) . . . social worker, member of the clergy . . . (9) person paid for caring for an elderly person by any institution, organization, agency or facility . . . (12) licensed professional counselor . . .
- ...
- (c) Any other person having reasonable cause to suspect or believe that an elderly person is being, or has been, abused, neglected, exploited or abandoned, or who is in need of protective services, may report such information in any reasonable manner to the commissioner or the commissioner’s designee.

*Law on Disclosure by Clergy*Conn. Gen. Stat. § 52-146b

A clergyman, priest, minister, rabbi or practitioner of any religious denomination accredited by the religious body to which he belongs who is settled in the work of the ministry shall not disclose confidential communications made to him in his professional capacity in any civil or criminal case or proceedings preliminary thereto, or in any legislative or administrative proceeding, unless the person making the confidential communication waives such privilege herein provided.

FLORIDA

Summary of Provisions

Child Abuse Reporting: Florida law requires any person who knows or reasonably believes that a child has been abused, abandoned, or neglected to report that misconduct to the child-abuse hotline. Reports can be anonymous unless made by people in certain professional roles, including school teachers and staff, mental health professionals, and day-care workers.

Confidential communications between a priest and an individual remain protected from disclosure and priests cannot report such communications.

Make reports immediately to the statewide hotline provided by the Florida Department of Children and Families by calling 1-800-962-2837 or by submitting a report online at www.myflfamilies.com/services/abuse/abuse-hotline.

Relevant provisions are Fla. Stat. §§ 39.101–202. Highlighted excerpts are below.

Elder Abuse Reporting: As with reporting child abuse, any person who knows or reasonably believes that an elderly or vulnerable adult is being abused, neglected, or exploited must immediately report it to the hotline provided by the Florida Department of Children and Families. Reports can be anonymous unless made by people in certain professional roles, but those roles do not appear to apply to ICKSP's work. Confidential communications between a priest and an individual remain protected from disclosure and priests cannot report such communications.

Reports of abuse of elderly persons or vulnerable adults can be made in the same manner and to the same hotline as reports of child abuse. Reports should be made immediately.

Relevant provisions are Fla. Stat. §§ 415.101–113. Highlighted excerpts are below.

Excerpts from the Law

*Child Abuse Reporting*Fla Stat. § 39.201

(1) Mandatory reporting.

- (a) 1. A person is required to report immediately to the central abuse hotline established in s. 39.101, in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect, that any of the following has occurred:
 - a. Child abuse, abandonment, or neglect by a parent or caregiver . . .
 - b. Child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare. . . .
2. Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse shall report such knowledge or suspicion to the central abuse hotline. . . . Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.
- (b) 1. A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.

2. A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:

...

b. Health care professional or mental health professional other than a person listed in sub-subparagraph a.;

c. Practitioner who relies solely on spiritual means for healing;

d. School teacher or other school official or personnel;

e. Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;

...

(c) Central abuse hotline counselors shall advise persons under subparagraph (b)2. who are making a report to the central abuse hotline that, while their names must be entered into the record of the report, the names of reporters are held confidential and exempt as provided in s. 39.202. . . .

(5) Reports of sexual abuse of a child or juvenile sexual abuse; reports of a child who has exhibited inappropriate sexual behavior.

(a) 1. Sexual abuse of a child or juvenile sexual abuse must be reported immediately to the central abuse hotline, including any alleged incident involving a child who is in the custody of or under the protective supervision of the department. Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting. . . .

(6) Mandatory reports of a child death. Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner.

Elder Abuse Reporting

Fla. Stat. § 415.1034

(1) Mandatory reporting.

(a) Any person . . . who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited must immediately report such knowledge or suspicion to the central abuse hotline.

Law on Disclosure by Clergy

Fla. Stat. § 90.505

(1) For the purposes of this section:

(a) A “member of the clergy” is a priest . . . or minister of any religious organization or denomination usually referred to as a church, or an individual reasonably believed so to be by the person consulting him or her.

(b) A communication between a member of the clergy and a person is “confidential” if made privately for the purpose of seeking spiritual counsel

- and advice from the member of the clergy in the usual course of his or her practice or discipline and not intended for further disclosure except to other persons present in furtherance of the communication.
- (2) A person has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication by the person to a member of the clergy in his or her capacity as spiritual adviser.
- (3) The privilege may be claimed by:
- (a) The person. . . .
 - (d) The member of the clergy, on behalf of the person. The member of the clergy's authority to do so is presumed in the absence of evidence to the contrary.

ILLINOIS

Summary of Provisions

Child Abuse Reporting: Illinois requires mandatory reporters to report known or suspected child abuse or neglect. The reports must be made immediately to the Department of Children and Family Services. The Department of Children and Family Services maintains a statewide hotline for reporting abuse at 1-800-252-2873.² Reports can also be made in person or by telephone to the nearest Department office.

Mandatory reporters include members of the clergy, mental health personnel, education personnel such as school employees and members of a school's governing body, and personnel at nursery schools or child daycare centers.

Mandated reporters must complete an initial training within three months of beginning employment in a role that is required to report and every three years after that. Additionally, any employee who is a mandated reporter must sign a statement provided by the Department of Children and Family Services which will be kept on file by ICKSP.³

Illinois statute expressly permits a member of the clergy to claim a privilege against disclosing any confession or any admission made to him in his professional role as a spiritual advisor.

The relevant statutory provisions are found at 325 Ill. Comp. Stat. 5/1–11.9, and are highlighted below.

Elder Abuse Reporting: In Illinois, mandatory reporters of elder abuse include professionals engaged in the education or care of an elderly or vulnerable adult and religious practitioners who “provide treatment by prayer or spiritual means alone.” It is not clear whether this reference to treatment by prayer alone is limited to Christian Scientists, so to be safe, priests and others who lead prayer services for healing should assume they are mandatory reporters when they learn information in their professional capacity as a religious healer. The statute specifically exempts clergy from reporting information received in any confession or communication required to be kept confidential by a religious denomination.

Mandatory reporters must report known or suspected elder abuse within 24 hours to the Illinois Department of Aging by using 1-866-800-1409, or in person or by phone through the nearest Department office. Relevant provisions are 320 Ill. Comp. Stat. 20/1–15.5. Highlighted excerpts are below.

Excerpts from the Law

Child Abuse Reporting

325 Ill. Comp. Stat. 5/4

- (a) The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or a neglected child:

...

² Illinois law requires that wherever the statewide hotline is posted the following notice also be displayed: “Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012 [720 ILCS 5/26-1]. A violation of this subsection is a Class 4 felony.”

³ The form statement can be found at this link: dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/about-us/policy-rules-and-forms/documents/cants/cants-22-acknowledgement-of-mandated-reporter-status-fillable.pdf.

(2) Social services and mental health personnel, including any: licensed professional counselor; . . . associate licensed marriage and family therapist; licensed marriage and family therapist; . . .

...

(4) Education personnel, including any: school personnel (including administrators and certified and non-certified school employees); personnel of institutions of higher education; educational advocate assigned to a child in accordance with the School Code [105 ILCS 5/1-1 et seq.]; member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required under subsection (d)); or truant officer.

(5) Recreation or athletic program or facility personnel; or an athletic trainer.

(6) Child care personnel, including any: early intervention provider as defined in the Early Intervention Services System Act [325 ILCS 20/1 et seq.]; director or staff assistant of a nursery school or a child day care center; or foster parent, homemaker, or child care worker.

...

(9) Any member of the clergy.

...

(e) Whenever such person is required to report under this Act in the person's capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, the person 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 institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or designated agent of the person in charge that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or designated agent of the person in charge to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

(f) In addition to the persons required to report suspected cases of child abuse or child neglect under this Section, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

(g) . . . A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure [735 ILCS 5/8-803].

...

(i) Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. On and after January 1, 2019, the statement shall also include information about available mandated reporter training provided by the Department. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

(j) Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training, including a section on implicit bias, within 3 months of their date of engagement in a professional or official capacity as a mandated reporter, or within the time frame of any other applicable State law that governs training requirements for a specific profession, and at least every 3 years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every 3 years, medical personnel, as listed in paragraph (1) of subsection (a), must meet the requirements described in subsection (k).

...

Each mandated reporter shall report to the mandated reporter's employer and, when applicable, to the mandated reporter's licensing or certification board that the mandated reporter received the mandated reporter training. The mandated reporter shall maintain records of completion.

325 Ill. Comp. Stat. 5/7

All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register established under Section 7.7 [325 ILCS 5/7.7] on the single, State-wide, toll-free telephone number established in Section 7.6 [325 ILCS 5/7.6], or in person or by telephone through the nearest Department office. . . .

Elder Abuse Reporting

320 Ill. Comp. Stat. 20/2

As used in this Act, unless the context requires otherwise:

...

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

- (1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, . . .
- (3) an administrator, employee, or person providing services in or through an unlicensed community based facility;
- (4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

320 Ill. Comp. Stat. 20/4

(a) Any person who suspects the abuse, abandonment, neglect, financial exploitation, or self-neglect of an eligible adult may report this suspicion or information about the suspicious death of an eligible adult to an agency designated to receive such reports under this Act or to the Department.

(a-5) If any mandated reporter has reason to believe that an eligible adult, who because of a disability or other condition or impairment is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, abandonment, neglect, or financial exploitation, the mandated reporter shall, within

24 hours after developing such belief, report this suspicion to an agency designated to receive such reports under this Act or to the Department.

Law on Disclosures by Clergy

735 Ill. Comp. Stat. 5/8-803

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 board 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 practices 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 as such spiritual advisor.

INDIANA

Summary of Provisions

Child Abuse Reporting: Indiana requires any individual who believes that a child is a victim of child abuse or neglect to make an immediate oral or written report to the Department of Child Services or to the local law enforcement agency. Additionally, if an individual makes a report in their capacity as a staff member in a school or other organization, that individual should also notify the school or organization that a report was made. Make reports to the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556.

Clergy might receive demands to reveal what they learned in confession in Indiana, because of unclarity in state law. You should confer with ICKSP's legal counsel before revealing confidential information to ensure that state law does not unduly infringe on religion.⁴

Indiana's statutory provisions concerning child abuse reporting can be found at Indiana Code § 31-33-5-1 et seq. Indiana's statutory provisions concerning testamentary privileges can be found at Indiana Code § 34-46-3, and law on the priest-penitent privilege in child abuse cases can be found at Indiana Code § 31-32-11. Highlighted excerpts are below.

Elder Abuse Reporting: All individuals are required to make a report if there is reason to believe that another individual is an "endangered adult." An endangered adult is anyone older than 18 years of age who suffers from physical or mental incapacity and is harmed or threatened with harm as a result of neglect, battery, or exploitation. Make reports to the state hotline provided by Adult Protective Services at 1-800-992-6978, by submitting an online form,⁵ or by calling the Adult Protective Services local field office. If an ICKSP staff member reports information learned in their professional capacity, local ICKSP leadership should be informed of the report so they can participate in any investigation that results.

The Indiana statutes requiring reports of abuse of elderly and vulnerable adults do not specifically exempt clergy members from the duty to report when they learn information from confession or confidential spiritual direction. Clergy might receive demands to reveal what they learned in confession in Indiana, because of unclarity in state law. You should confer with ICKSP's legal counsel before revealing confidential information to ensure that state law does not unduly infringe on religion.

Indiana's statutory provisions concerning elder abuse reporting can be found at Indiana Code § 35-46-1-13 and Indiana Code § 12-10-3-1-31. Highlighted excerpts are below.

Excerpts from the Law*Child Abuse Reporting*Ind. Code § 31-33-5-1

In addition to any other duty to report arising under this article, **an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.**

⁴ Indiana's statutes do not expressly exempt priests from reporting knowledge of abuse or neglect learned in confession or spiritual direction, although courts likely would recognize such exemption. Indiana's statutes recognize a privilege for clergymen not to be required to testify in court regarding confidential communications made to a clergyman in confession or in the clergyman's professional character as a spiritual adviser or counselor.

⁵ The online form is available at aps-govcloud.my.site.com/APSONlineReport/s/.

Ind. Code § 31-33-5-2

(a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a public or private institution, school, facility, organization, or agency, the individual shall immediately make a report to:

- (1) the department; or
- (2) the appropriate law enforcement agency.

The individual does not have discretion to decide not to report known or suspected child abuse or neglect, unless a report has already been made and documented by the individual in charge under subsection (d).

....

(d) After making the report, the individual required to make the report and the individual described in subsection (b)(1) shall notify the individual in charge of the institution, school, facility, organization, or agency or the designated agent of the individual in charge of the institution, school, facility, organization, or agency that the report was made.

Ind. Code § 31-33-5-4

(a) Except as provided in subsection (b), a person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral or written report to:

- (1) the department; or
- (2) the appropriate law enforcement agency.

*Elder Abuse Reporting*Ind. Code § 12-10-3-2

(a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
 - (A) neglect;
 - (B) a battery offense included in IC 35-42-2; or
 - (C) exploitation of the individual's personal services or property.

Ind. Code § 12-10-3-9

(a) An individual who believes or has reason to believe that another individual is an endangered adult shall make a report under this chapter.

(b) If an individual is required to make a report under this chapter in the individual's capacity as a member of the staff of a medical or other public or private institution, school, hospital, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, hospital, facility, or agency, or the individual's designated agent, who also becomes responsible to report or cause a report to be made.

(c) This section does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

Ind. Code § 35-46-1-13

(a) A person who:

- (1) believes or has reason to believe that an endangered adult or person of any age who has a mental or physical disability is the victim of battery, neglect, or exploitation as prohibited by this chapter or IC 35-42-2-1; and
- (2) knowingly fails to report the facts supporting that belief to the division of disability and rehabilitative services, the division of aging, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult; commits a Class B misdemeanor.

*Law on Disclosure by Clergy*Ind. Code § 34-46-3-1

Except as otherwise provided by statute, the following persons shall not be required to testify regarding the following communications:

- (1) Attorneys, as to confidential communications made to them in the course of their professional business, and as to advice given in such cases.
- (2) Physicians, as to matters communicated to them by patients, in the course of their professional business, or advice given in such cases.
- (3) Clergymen, as to the following confessions, admissions, or confidential communications:
 - (A) Confessions or admissions made to a clergyman in the course of discipline enjoined by the clergyman's church.
 - (B) A confidential communication made to a clergyman in the clergyman's professional character as a spiritual adviser or counselor.

LOUISIANA

Summary of Provisions

Child Abuse Reporting: Louisiana requires mandated reporters to immediately report child abuse. Abuse by a child's parent, caretaker, or a person living in the same residence must be reported to the Department of Children and Family at 1-855-452-5437. Abuse by any other person must be reported to law enforcement. In order to avoid confusion and ensure compliance, we recommend any report be made to both the Department of Children and Family and law enforcement. After making the initial oral report, mandatory reporters must make a written report within five days using the form at this link: www.dcf.louisiana.gov/assets/docs/searchable/ocs/cpi-2.pdf.

Mandated reporters include priests, teachers and other school staff including coaches, day care and child care providers, and individuals who organize activities for children including summer camps or day camps. Volunteers for these activities are also mandatory reporters; not only paid staff.

Clergy members are not required to report confidential communications such as those made in confession. If a person reveals information about child abuse in confession, the clergy member must encourage that person to report the information to the appropriate authorities.

Louisiana's statutory provisions concerning child abuse reporting are found at La. Child. Code Art. 601–610. Highlighted excerpts are below.

Elder Abuse Reporting: All persons who know that an elderly or vulnerable adult is being abused or exploited must make a report in Louisiana. The reports must be made to any adult protection agency⁶ or law enforcement agency.

Unlike the statute about reporting child abuse, the statute about reporting elder abuse does not specifically exempt clergy members from reporting confidential communications. Clergy might receive demands to reveal what they learned in confession in Louisiana, because of unclarity in state law. You should confer with ICKSP's legal counsel before revealing confidential information to ensure that state law does not unduly infringe on religion.

Louisiana law on elder abuse reporting can be found at La. Rev. Stat. § 15:1501–15:1511. Highlighted excerpts are below.

Excerpts from the LawLa Child. Code Art. 603

...

17) "Mandatory reporter" is any of the following individuals:

...

(b) "Mental health/social service practitioner" is any individual who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a . . . member of the clergy, aide, or other individual who provides counseling services to a child or his family.

...

(c) "Member of the clergy" is any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly

⁶ For individuals sixty years old or older, the report should be made to the Office of Elderly Affairs in the Office of the Governor. For individuals between eighteen and fifty-nine years-old, the report should be made to the Louisiana Department of Health. If in doubt, contact law enforcement, which will direct reporters to the correct agency.

situated functionary of a religious organization, except that he is not required to report a confidential communication, as defined in Code of Evidence Article 511, 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 or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, he shall encourage that person to report the allegations to the appropriate authorities in accordance with Article 610.

(d) “Teaching or child care provider” is any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher’s aide, instructional aide, school principal, school staff member, school resource officer, bus driver, coach, . . . a licensed or unlicensed day care provider, or any individual who provides these services to a child in a voluntary or professional capacity.

. . .

(j) “Organizational or youth activity provider” is any person who provides organized activities for children, including administrators, employees, or volunteers of any day camp, summer camp, youth center, or youth recreation programs or any other organization that provides organized activities for children.

(k) School coaches, including but not limited to public technical or vocational school, community college, college, or university coaches and coaches of intramural or interscholastic athletics.

La. Child. Code Art. 609

A. With respect to mandatory reporters:

(1) (a) Notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child’s physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child’s death shall report in accordance with Article 610.

La. Child. Code Art. 610

A. (1) A reporter shall immediately report suspected child abuse or neglect or that child abuse or neglect was a contributing factor in a child’s death in the following ways:

(a) To the Department of Children and Family Services if the reporter has reason to believe that the perpetrator is a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not.

(b) To a local or state law enforcement agency if the reporter has reason to believe that the abuse or neglect is being perpetrated by someone other than the individuals provided for in Subsubparagraph (a) of this Subparagraph. Abuse or neglect perpetrated on a student by a teaching or child care provider, as defined by Article 603, shall be immediately reported to local or state law enforcement.

(c) Dual reporting to both the department and the local or state law

enforcement agency is permitted.

(2) Reports to the department shall be made as follows:

(a) A mandatory reporter shall make a report of suspected abuse or neglect requiring immediate assistance via the designated state child protection reporting hotline telephone number. A report of suspected abuse or neglect which is of a nonemergency nature may be reported via the Louisiana Department of Children and Family Services Mandated Reporter Portal online. Reports may also be made in person at any child welfare office.

(b) If a report involves alleged sex trafficking, all mandatory reporters shall report via the hotline telephone number to the department regardless of whether there is alleged parental or caretaker culpability.

(c) A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office.

...

D. If the initial report was in oral form by a mandatory reporter, it shall be followed by a written report made within five days via the online Mandated Reporter Portal of the department or by mail to the centralized intake unit of the department at the address provided on the website of the department; or, if necessary, to the local law enforcement agency. The reporter may use a form for the written report, which shall be developed, approved, and made available by the Department of Children and Family Services. The form is optional and may be available electronically on the department's website.

Elder Abuse

La. Rev. Stat. § 15:1504

A. Any person, including but not limited to a health, mental health, and social service practitioner, having cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation shall report in accordance with R.S. 15:1505.

La. Rev. Stat. § 15:1505

A. Reports reflecting the reporter's belief that an adult has been abused or neglected shall be made to any adult protection agency or to any local or state law enforcement agency. These reports need not name the persons suspected of the alleged abuse or neglect.

Clergy Privilege

La. Rev. Stat. § 14:403

B. In any proceeding concerning the abuse or neglect or sexual abuse of a child or the cause of such condition, evidence may not be excluded on any ground of privilege, except in the case of communications between an attorney and his client or between a priest, rabbi, duly ordained minister or Christian Science practitioner and his communicant.

La. C.E. Art. 511

A. Definitions. — As used in this Article:

(1) A "clergyman" is a minister, priest, rabbi, Christian Science practitioner,

or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him.

(2) A communication is “confidential” if it is made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

B. General rule of privilege. — A person has a privilege to refuse to disclose and to prevent another person from disclosing a confidential communication by the person to a clergyman in his professional character as spiritual adviser.

C. Who may claim the privilege. — The privilege may be claimed by the person or by his legal representative. The clergyman is presumed to have authority to claim the privilege on behalf of the person or deceased person between a priest, rabbi, duly ordained minister or Christian Science practitioner and his communicant.

MASSACHUSETTS

Summary of Provisions

Child Abuse Reporting: Massachusetts requires mandatory reporters to immediately report child abuse or neglect to the Massachusetts Department of Children and Families by calling the nearest office during regular business hours or the child abuse hotline at 1-800-792-5200, during nights, weekends, or holidays. The reporter must also file a written report with the Department within 48 hours at this link: www.mass.gov/how-to/report-child-abuse-or-neglect-as-a-mandated-reporter.

Mandatory reporters include priests, clergy members, religious leaders, people employed by a church or religious body to educate, coach, train or counsel a child on a regular basis, teachers and school staff, and child care workers.

A priest is not required to report information solely learned in a confession or similarly confidential communications. However, priests must report suspected child abuse learned under other circumstances.

Statutory and regulatory provisions related to child abuse reporting requirements in Massachusetts can be found at Mass. Gen. Laws ch. 119, §§ 21 and 51A. The statutory clergy privilege can be found at Mass. Gen. Laws ch. 233, § 20A. Highlighted excerpts of these provisions are included below.

Elder Abuse Reporting: Massachusetts law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to medical and emergency personnel, mental health personnel, and individuals who work in elder care services such as assisted living facilities. Any person can report elder abuse at 1-800-922-275. *See* Mass. Ann. Laws ch. 19A § 15.

Excerpts from the Law*Child Abuse Reporting*Mass. Gen. Laws ch. 119, § 21

“Mandated reporter”, a person who is: . . . (ii) a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, . . . (iv) 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, ordained or licensed minister, leader of any church or religious body, 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; (v) in charge of a medical or other public or private institution, school or facility or that person’s designated agent[.]

Mass. Gen. Laws ch. 119, § 51A

(a) A mandated reporter shall immediately communicate with the department orally and shall, within 48 hours, file a written report with the department detailing suspected abuse or neglect if, in their professional capacity, they have reasonable cause to believe that a child is: (i) suffering physical or emotional injury resulting from abuse inflicted upon them which causes harm or substantial risk of harm to the child’s health or welfare including, but not limited to, sexual abuse; (ii) suffering physical or emotional

injury resulting from neglect including, but not limited to, malnutrition; (iii) a sexually exploited child; or (iv) a human trafficking victim, as defined by section 20M of chapter 233; provided, however, that an indication of prenatal substance exposure shall not solely meet the requirements of this section.

...

(j) Any privilege relating to confidential communications, established by sections 135 to 135B, inclusive, of chapter 112 or by sections 20A and 20B of chapter 233, shall not prohibit the filing of a report under this section or a care and protection petition under section 24, except that a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner 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 suspected child abuse or neglect under 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 mandated reporter.

Elder Abuse

Mass. Gen. Laws ch. 19A, § 15

(a) Any physician, physician assistant, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency medical technician, animal control officer, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, director of a council on aging, outreach worker employed by a council on aging, executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence who has reasonable cause to believe that an older adult is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency. Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

...

(c) In addition to a person required to report under the provisions of subsection (a) of this section, any other person may make such a report to the department or its designated agency, if any such person has reasonable cause to believe that an older adult is suffering from or has died as a result of abuse.

Law on Disclosures by Clergy

Mass. Gen. Laws ch. 233, § 20A

A priest, rabbi or ordained or licensed minister of any church or an accredited Christian Science practitioner shall not, without the consent of the person making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a priest, rabbi or ordained or licensed

minister of any church or an accredited Christian Science practitioner testify as to any communication made to him by any person in seeking religious or spiritual advice or comfort, or as to his advice given thereon in the course of his professional duties or in his professional character, without the consent of such person.

MICHIGAN

Summary of Provisions

Child Abuse Reporting: Michigan requires mandatory reporters to immediately report child abuse or neglect to the centralized intake office of the Michigan Department of Health and Human Services by calling 1-855-444-3911. The reporter must also file a written report within 72 hours. Mandatory reporters include members of the clergy, teachers, and school administrators.

ICKSP will provide training materials to any mandatory reporters it employs. Those materials are available at www.michigan.gov/mdhhs/adult-child-serv/abuse-neglect/childrens/mandated-reporters.

Clergy members are exempt from reporting information learned in confession or a similar confidential communication. However, clergy members must make a report if they learn of abuse through other means.

Michigan law concerning child abuse reporting can be found at Mich. Comp. Laws §§ 722.621–.638. Highlighted excerpts are below.

Elder Abuse Reporting: Michigan law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to healthcare workers, law enforcement, and individuals who work for government agencies. Any person who suspects an elderly or vulnerable adult is being abused can make a report to their local department of social services office. *See* Mich. Comp. Laws § 400.11a.

Excerpts from the Law

Child Abuse Reporting

Mich. Comp. Laws § 722.623

(1) An individual is required to report under this act as follows:

(a) A . . . school administrator, school counselor or teacher, . . . member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or child neglect shall make an immediate report to centralized intake by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. Within 72 hours after making an oral report by telephone to centralized intake, the reporting person shall file a written report as required in this act. If the immediate report has been made using the online reporting system and that report includes the information required in a written report under subsection (2), that report is considered a written report for the purposes of this section and no additional written report is required. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written or electronic report available to the person in charge.

Mich. Comp. Laws § 722.623b

(2) An employer or organization that employs a mandatory reporter must provide the training materials described in subsection (1) to that employee. This subsection does not apply to an employer or organization that provides to an employee its own training that is updated annually based on the department's training materials

described in subsection (1).

Mich. Comp. Laws § 722.624

In addition to those persons required to report child abuse or neglect under section 3, any person, including a child, who has reasonable cause to suspect child abuse or neglect may report the matter to the department or a law enforcement agency.

Mich. Comp. Laws § 722.631

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 This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect under section 3⁷ if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under section 3.

Elder Abuse Reporting

Mich. Comp. Laws § 400.11a

(1) A person who is employed, licensed, registered, or certified to provide . . . educational, social welfare, mental health, or other human services; an employee of an agency licensed to provide health care, educational, social welfare, mental health, or other human services . . . who suspects or has reasonable cause to believe that an adult has been abused, neglected, or exploited shall make immediately, by telephone or otherwise, an oral report to the county department of social services of the county in which the abuse, neglect, or exploitation is suspected of having or believed to have occurred. After making the oral report, the reporting person may file a written report with the county department.

. . .

(3) In addition to those persons required to make an oral report under subsection (1), any person who suspects that an adult has been abused, neglected, or exploited may make a report to the county department of social services of the county in which the abuse, neglect, or exploitation is suspected of having occurred.

Law on Disclosures by Clergy

Mich. Comp. Laws § 767.5a

(2) Any communications between attorneys and their clients, between members of the clergy and the members of their respective churches, and between physicians and their patients are hereby declared to be privileged and confidential when those communications were necessary to enable the attorneys, members of the clergy, or physicians to serve as such attorney, member of the clergy, or physician

⁷ “Section 3” refers to Mich. Comp. Laws § 722.623.

MISSOURI

Summary of Provisions

Child Abuse Reporting: Missouri requires mandatory reporters to immediately report known or suspected child abuse or neglect to the Missouri Children's Division within the Department of Social Services. Any evidence of sexual abuse or molestation of a child must be provided within 24 hours. Child abuse reports can be made by telephone at 1-800-392-3738, or by using the online form found here: apps.dss.mo.gov/OnlineCanReporting/default.aspx.

In Missouri, mandatory reporters include clergy, child-care workers, teachers and school officials, and any other person with the responsibility for the care of children.

Missouri law does not require priests to report information learned in confidential communications as a spiritual advisor, confessor, counselor, or comforter.

Missouri's statutory provisions concerning child abuse reporting can be found at Mo. Rev. Stat. §§ 210.109–.183. Missouri's relevant provisions concerning clergy privileges can be found at Mo. Rev. Stat. § 352.400 and § 491.060(4). Highlighted excerpts are below.

Elder Abuse Reporting: Missouri requires reporting by any person who suspects that an elderly or vulnerable adult is likely to suffer serious physical harm or intimidation or harassment that would cause fear of physical harm. Additionally, priests and other clergy members have an obligation to report known or suspected abuse or neglect of elderly or vulnerable adults, even if it is not likely to cause serious physical harm or fear of physical harm. Missouri law specifies that clergy members are not required to report privileged communications, such as confessions.

Reports can be made to the Missouri Department of Health and Senior Services by calling 1-800-392-0210 or online at moapss.health.mo.gov/.

Missouri law on reporting elder abuse can be found at Mo. Rev. Stat. § 192.2405. Highlighted excerpts are below.

Excerpts from the Law

Child Abuse Reporting

Mo. Rev. Stat. § 210.115

1. When any . . . day care center worker or other child-care worker . . . teacher, principal or other school official, minister . . . or other person with responsibility for the care of children 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 or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

Mo. Rev. Stat. § 210.130

1. Oral reports of abuse or neglect shall be made to the division by telephone or otherwise.

. . .

3. Evidence of sexual abuse or sexual molestation of any child under eighteen years

of age shall be turned over to the division within twenty-four hours by those mandated to report.

Mo. Rev. Stat. § 210-140

Any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report . . .

Mo. Rev. Stat. § 352.400

1. As used in this section, the following words and phrases shall mean:

...

(3) "Minister", 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 has access to a child;

...

(5) "Religious organization", any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization, whether or not incorporated, that meets at more or less regular intervals for worship of a supreme being or higher power, or for mutual support or edification in piety or with respect to the idea that a minimum standard of behavior from the standpoint of overall morality is to be observed, or for the sharing of common religious bonds and convictions;

...

2. When a minister or agent designated pursuant to subsection 3 of this section has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, the minister or designated agent shall immediately report or cause a report to be made as provided in sections 210.109 to 210.183. Notwithstanding any other provision of this section or sections 210.109 to 210.183, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

3. A religious organization may designate an agent or agents required to report pursuant to sections 210.109 to 210.183 in an official capacity on behalf of the religious organization. In the event a minister, official or staff member of a religious organization has probable cause to believe that the child has been subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 213.183 and the minister, official or staff member of the religious organization does not personally make a report pursuant to sections 210.109 to 210.183, the designated agent of the religious organization shall be notified. The designated agent shall then become responsible for making or causing the report to be made pursuant to sections 210.109 to 210.183 . . .

*Elder Abuse Reporting*Mo. Rev. Stat. § 192.2405

1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any . . . minister, . . . who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

*Law on Disclosures by Clergy*Mo. Rev. Stat. § 491.060

The following persons shall be incompetent to testify: . . . (4) Any person practicing as a minister of the gospel, priest, rabbi or other person serving in a similar capacity for any organized religion, concerning a communication made to him or her in his or her professional capacity as a spiritual advisor, confessor, counselor or comforter.

NEVADA

Summary of Provisions

Child Abuse Reporting: Nevada law requires people who are at least 16 years old to report any known or reasonably believed violent or sexual offense against children 12 or younger. For neglect of children or abuse that is not a violent or sexual offense, reporting is still required for people in particular roles, including clergy members, employees or volunteers at a school, and employees of children's camps or other organizations providing activities for children.

Nevada law forbids clergy from reporting misconduct disclosed to them in confession.

Required reports must be made as soon as possible, but no later than 24 hours, after the person knows or has reasonable cause to believe a reportable offense has occurred. Make the report by calling local law enforcement. (Calling the child welfare agency is an acceptable alternative for some offenses, but because Nevada law requires reporting some offenses to law enforcement, it is safer to report to law enforcement and then follow their lead on where else to report.)

Every mandatory reporter must sign an acknowledgment that he or she has been informed of this duty to report. These acknowledgments will be kept on file by ICKSP as long as that person is employed or serves as a volunteer.

Mandatory reporters must also complete training related to reporting requirements. In particular, employees child care facilities must complete at least two hours of training regarding reporting of child abuse or neglect within 90 days after starting employment and then at least every 5 years afterwards.

The relevant provisions on reporting child abuse are Nev. Rev. Stat. §§ 202.870–894 and 432B.220–322. Highlighted excerpts are below.

Elder Abuse Reporting: Nevada law requiring reporting of abuse of elderly and vulnerable adults is limited to particular roles that ICKSP does not appear to have, such as medical personnel, law enforcement, social workers, or workers of agencies specifically designated to provide care for elderly or vulnerable adults. Even if not required, anyone suspecting the neglect, abuse, exploitation, isolation, or abandonment of an older or vulnerable person can make a report to the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a police department or sheriff's office, or by calling 1-888-729-0571. *See* Nev. Rev. Stat. § 200.5093.

Excerpts from the Law*Child Abuse Reporting*Nev. Rev. Stat. § 202.882

1. Except as otherwise provided in NRS 202.885 and 202.888, a person who knows or has reasonable cause to believe that another person has committed a violent or sexual offense⁸ against a child who is 12 years of age or younger shall:

(a) Report the commission of the violent or sexual offense against the child to a law enforcement agency; and

⁸ "Violent or sexual offense" is defined in Nev. Rev. Stat. § 202.876 and includes offenses such as sexual assault, poisoning, offenses involving pornography, lewdness with a child, sex trafficking, and assault with a deadly weapon. We recommend that a report always be made if a situation involves a child under 12-years old and if there is any uncertainty whether the situation could be categorized as a violent or sexual offense.

- (b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the other person has committed the violent or sexual offense against the child.

Nev. Rev. Stat. § 202.888

The provisions of NRS 202.882 do not apply to a person who:

1. Is less than 16 years of age;
2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:
 - (a) The child who is the victim of the violent or sexual offense; or
 - (b) The person who committed the violent or sexual offense against the child;

...

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS⁹; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 392.303 or 432B.220.

Nev. Rev. Stat. § 432B.220

1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

- (a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

- (b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

- (a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

...

4. A report must be made pursuant to subsection 1 by the following persons:

...

- (d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

- (e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

- (f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

...

⁹ Chapter 49 includes the prohibition on clergy reporting misconduct disclosed to them in confession.

(f) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

...

5. A report may be made by any other person.

...

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

- (a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;
- (b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and
- (c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

- (a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;
- (b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and
- (c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

Nev. Rev. Stat. § 432B.230

1. A person may make a report pursuant to NRS 432B.220 by telephone or, ... by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable:

- (a) The name, address, age and sex of the child;
- (b) The name and address of the child's parents or other person responsible for the care of the child;
- (c) The nature and extent of the abuse or neglect of the child, . . . ;
- (d) Any evidence of previously known or suspected:
 - (1) Abuse or neglect of the child or the child's siblings; . . .
- (e) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and
- (f) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Nev. Rev. Stat. § 432A.1776

Each person who is employed in a child care facility¹⁰ shall complete at least 2 hours of training in the recognition and reporting of the abuse or neglect of a child, as defined in NRS 432B.020: 1. Within 90 days after commencing his or her employment in a child care facility; and 2. At least once every 5 years thereafter.

*Elder Abuse Reporting*Nev. Rev. Stat. § 200.5093

1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

- (1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;
- (2) A police department or sheriff's office; or
- (3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

...

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every . . . person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned. . . .

(d) Every person who maintains or is employed by an agency to provide personal care services in the home. . . .

5. A report may be made by any other person.

*Laws on Disclosures by Clergy*Nev. Rev. Stat. § 49.255

A member of the clergy or priest shall not, without the consent of the person making the confession, be examined as a witness as to any confession made to the member of the clergy or priest in his or her professional character.

¹⁰ "Child care facility" means "an establishment operated and maintained for the purpose of furnishing care to . . . children under 18 years of age, if compensation is received for the care of any of those children." See Nev. Rev. Stat. § 432A.024(1); *id.* § 432A.1774 (for purposes of training requirement, defining child care facility to include compensated care of fewer than 5 children). A "child care facility" does not include a "seasonal or temporary recreation program" which is "a recreation program that is offered to children for a limited time or duration," such as a camp or competition for sports or arts. *Id.* § 432A.029; *id.* § 432A.024(2).

NEW JERSEY

Summary of Provisions

Child Abuse Reporting: In New Jersey, all people are mandatory reporters. Any person with a reasonable cause to believe a child has been abused must immediately make a report. Make reports to the Division of Child Protection by calling 1-877-652-2873.

Clergy might receive demands to reveal what they learned in confession in New Jersey, because of unclarity in state law. You should confer with ICKSP's legal counsel before revealing confidential information to ensure that state law does not unduly infringe on religion.¹¹

New Jersey's statute concerning child-abuse reporting is N.J. Stat. § 9:6-8.10. New Jersey's statute on priest-penitent privilege is N.J. Rev. Stat. § 2A:84A-23. Highlighted excerpts are below.

Elder Abuse Reporting: New Jersey law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to workers of facilities that provide care for vulnerable adults, medical professionals, and emergency responders. Any person can report abuse or neglect of an elderly or vulnerable adult to the local county Adult Protective Services Office. See N.J. Stat. §§ 52:27D-409, 52:27G-7.1.

Excerpts from the Law*Child Abuse Reporting*N.J. Stat. § 9:6-8.10

Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise.

*Elder Abuse Reporting*N.J. Stat. § 52:27D-409

a. (1) A health care professional, law enforcement officer, firefighter, paramedic or emergency medical technician who has reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation shall report the information to the county adult protective services provider.

(2) Any other person who has reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation may report the information to the county adult protective services provider.

N.J. Stat. § 52:27G-7.1

a. Any caretaker, social worker, physician, registered or licensed practical nurse, or other professional or staff member employed at a facility, and any representative of a managed care entity, who, as a result of information obtained in the course of that

¹¹ New Jersey's child abuse reporting law does not contain a specific exemption for privileged communications, but it also does not state that the law overrides privileged communications. New Jersey courts have not specifically addressed whether the clergy-penitent privilege exempts priests from reporting child abuse learned in confidential communications such as confession. New Jersey courts have considered other types of privilege, such as the psychotherapist privilege and the spousal privilege and determined that the child abuse reporting law overrides those privileges. The clergy-penitent privilege is written more broadly than those other privileges, however, it is unclear whether the child abuse reporting laws would override that privilege or not.

individual's employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, shall report such information to the ombudsman or to the person designated by the ombudsman to receive such report. If an individual reporting suspected abuse or exploitation pursuant to this subsection has reasonable cause to suspect or believe that the institutionalized elderly person is or has been the victim of a crime, the individual shall additionally report such information to the local law enforcement agency and to the health administrator of the facility.

Law on Disclosures by Clergy

N.J. Rev. Stat. § 2A:84A-23

Any communication made in confidence to a cleric in the cleric's professional character, or as a spiritual advisor in the course of the discipline or practice of the religious body to which the cleric belongs or of the religion which the cleric professes, shall be privileged. Privileged communications shall include confessions and other communications made in confidence between and among the cleric and individuals, couples, families or groups in the exercise of the cleric's professional or spiritual counseling role.

As used in this section, "cleric" means a priest, rabbi, minister or other person or practitioner authorized to perform similar functions of any religion.

The privilege accorded to communications under this rule shall belong to both the cleric and the person or persons making the communication and shall be subject to waiver only under the following circumstances:

- (1) both the person or persons making the communication and the cleric consent to the waiver of the privilege; or
- (2) the privileged communication pertains to a future criminal act, in which case, the cleric alone may, but is not required to, waive the privilege.

NEW YORK

Summary of Provisions

Child Abuse Reporting: New York law requires people in particular roles to make an oral and written report when they have reasonable cause to suspect a child has been sexually abused, otherwise physically abused, or neglected. The roles that must report include child-care workers, directors of camps, school officials, psychologists, athletic trainers, and licensed counselors. Anyone else can report such abuse or neglect when they have reasonable cause to suspect it, although New York law forbids clergy or other religious ministers from reporting misconduct disclosed “to him in his professional character as spiritual advisor.” Relatedly, being a member of the clergy or religious order does not alone mandate reporting.

The required reports are an oral report immediately and a written report within 48 hours of the oral report. Make the oral report by calling the New York Statewide Central Register at 1-800-635-1522. On that call, also ask (1) should I also call the county in which the suspected abuse occurred (some counties prefer this); and (2) should I mail the written form to the county’s child protection office or is there an email address? The written report is Form OCFS-LDSS-2221A, which is available from the Institute’s legal counsel or online at ocfs.ny.gov/forms/ (search LDSS-2221). To find where to mail the form, find the county office’s address here: ocfs.ny.gov/directories/localdss.php.

Relevant provisions are N.Y. Soc. Serv. Law §§ 412–416. Highlighted excerpts are below.

Elder Abuse Reporting: New York law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to workers of facilities licensed by the state to care for vulnerable adults, to treat for mental illness or substance abuse. See N.Y. Soc. Serv. Law §§ 488, 489, 491.

Excerpts from the Law*Child Abuse Reporting*N.Y. Soc. Serv. Law § 412

1. An “abused child” means a child under eighteen years of age and who is defined as an abused child by the family court act^[12]
2. A “maltreated child” includes a child under eighteen years of age:
 - (a) defined as a neglected child by the family court act^[13], or

¹² An “abused child” means “a child less than eighteen years of age whose . . . person legally responsible for his care (i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (iii) (A) commits, or allows to be committed [sexual-related] offense[s] against such child defined in [various statutes listed covering different sexual offenses].” N.Y. Family Ct. Act § 1012(e).

¹³ A “neglected child” means “a child less than eighteen years of age (i) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care[.]” N.Y. Family Ct. Act § 1012(f).

(b) who has had serious physical injury inflicted . . . by other than accidental means[.]

N.Y. Soc. Serv. Law § 413

(1)(a) The following persons and officials are required to report or cause a report to be made . . . when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; athletic trainer; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law¹⁴; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor[.]

N.Y. Soc. Serv. Law § 414

In addition to those persons and officials required to report suspected child abuse or maltreatment, any person may make such a report if such person has reasonable cause to suspect that a child is an abused or maltreated child.

N.Y. Soc. Serv. Law § 415

Reports of suspected child abuse or maltreatment made pursuant to this title shall be made immediately by telephone . . . Oral reports shall be followed by a report in

¹⁴ "Children's overnight camp" means "a property . . . which may be occupied by persons under eighteen years of age under general supervision for the purpose of outdoor or indoor organized activities and on which provisions are made for overnight occupancy of children." N.Y. Pub. Health Law § 1392(1). "Summer day camp" means "a property . . . which may be occupied on a scheduled basis at any time between June first and September fifteenth in any year by children under sixteen years of age under general supervision, for the purpose of indoor or outdoor organized group activities . . . for a period of less than twenty-four hours on any day the property is so occupied, and on which no provisions are made for overnight occupancy by such children." *Id.* § 1392(2). "Traveling summer day camp" means "a summer day camp . . . which regularly transports children under the age of sixteen on a regular schedule to [a place] for the purposes of organized group activity." *Id.* § 1392(3).

writing within forty-eight hours after such oral report. Oral reports shall be made to the statewide central register of child abuse and maltreatment unless the appropriate local plan for the provision of child protective services provides that oral reports should be made to the local child protective service. In those localities in which oral reports are made initially to the local child protective service, the child protective service shall immediately make an oral or electronic report to the statewide central register. Written reports shall be made to the appropriate local child protective service Written reports shall be made in a manner prescribed and on forms supplied by the commissioner of the office of children and family services Notwithstanding the privileges set forth in article forty-five of the civil practice law and rules, and any other provision of law to the contrary, mandated reporters who make a report which initiates an investigation of an allegation of child abuse or maltreatment are required to comply with all requests for records made by a child protective service relating to such report[.]

N.Y. Soc. Serv. Law § 416

Any person or official required to report cases of suspected child abuse and maltreatment may take or cause to be taken at public expense photographs of the areas of trauma visible on a child who is subject to a report and, if medically indicated, cause to be performed a radiological examination on the child. Any photographs or x-rays taken shall be sent to the child protective service at the time the written report is sent, or as soon thereafter as possible. Whenever such person is required to report under this title in his capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he shall immediately notify the person in charge of such institution, school, facility or agency, or his designated agent, who shall then take or cause to be taken at public expense color photographs of visible trauma and shall, if medically indicated, cause to be performed a radiological examination on the child.

Elder Abuse Reporting

N.Y. Soc. Serv. Law § 491

(1)(a) Mandated reporters shall report allegations of reportable incidents to the vulnerable persons' central register[.]

N.Y. Soc. Serv. Law § 488

(2) "Custodian" means a director, operator, employee or volunteer of a facility or provider agency

(4) "Facility" or "provider agency" shall mean:

(a) a facility or program . . . licensed or certified by the office of mental health, the office for people with developmental disabilities or the office of addiction services and supports[;]

. . .

(c) adult care facilities . . . (A) that have a licensed capacity of eighty or more beds; and (B) in which at least twenty-five percent of the residents are persons with serious mental illness[.]

(5) "Mandated reporter" shall mean a custodian or a human services professional[.]

(5-a) "Human services professional" shall mean any: . . . social worker; . . . licensed marriage and family therapist; licensed mental health counselor; licensed

psychoanalyst; licensed behavior analyst; . . . school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; . . . social services worker; any other child care or foster care worker[.]

(15) “Vulnerable person” shall mean a person who, due to physical or cognitive disabilities, or the need for services or placement, is receiving services from a facility or provider agency.

Law on Disclosures by Clergy

N.Y. CPLR § 4505

Unless the person confessing or confiding waives the privilege, a clergyman, or other minister of any religion . . . shall not be allowed[to] disclose a confession or confidence made to him in his professional character as spiritual advisor.

OHIO

Summary of Provisions

Child Abuse Reporting: Ohio requires priests and other church leaders to immediately report known or suspected child abuse by another priest or church leader. Additionally, Ohio requires immediate reporting of any child abuse by the following mandatory reporters: school employees, administrators and employees of child care centers, and administrators and employees of camps for children.

Make reports to the public children services agency or the peace officer in the county in which the child resides or where the suspected abuse occurred. Reports can be made by phone or in person. The government might require a written report after the oral report.

A priest is not required to make a report of known or suspected child abuse based on information received directly from a penitent in the sacrament of confession. Although Ohio law does specify certain times when the priest–penitent privilege does not apply in the context of child abuse reporting, it overrides those exceptions when disclosure would violate canon law or church doctrine. However, priests must still report confidential communications with minors if they occur outside the seal of confession and reveal that the minor has suffered abuse or neglect.

Ohio’s statutory provisions concerning mandatory reporting of child abuse can be found at Ohio Rev. Code § 2151.421. Ohio’s priest–penitent privilege statute is Ohio Rev. Code § 2317.02(c).

Elder Abuse Reporting: In Ohio, clergy members are mandatory reporters of elder abuse and must immediately make a report to the local county department of job and family services when they know or suspect abuse of an elderly or vulnerable adult. The government might require a written report after the oral report.

Clergy might receive demands to reveal what they learned in confession in New Jersey, because of unclarity in state law. You should confer with ICKSP’s legal counsel before revealing confidential information to ensure that state law does not unduly infringe on religion.¹⁵

Ohio law about reporting elder abuse can be found at Ohio Rev. Code § 5101.63.

Excerpts from the Law*Child Abuse Reporting*Ohio Rev. Code § 2151.421

(A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, 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 shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or

¹⁵ The Ohio statutes requiring reports of abuse of elderly and vulnerable adults do not specifically exempt clergy members from the duty to report when they learn information in the course of confession or confidential spiritual direction. However, as noted above in the child abuse section, Ohio does recognize a statutory clergy privilege. Ohio courts have not ruled on whether the statutory privilege exempts clergy members from the obligation to make a report based on information arising from communications protected by that privilege.

persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. . . .

(b) Division (A)(1)(a) of this section applies to any person who is an . . . administrator or employee of a child care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority;. . .

(4)(a) No cleric 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 position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, 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 who 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, 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. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(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, in accordance with division (C) of section 2317.02 of the Revised Code, 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 under division (C) of section 2317.02 of the Revised Code 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 a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.
- (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 person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.
- (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.
- (e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

Elder Abuse Reporting

Ohio Rev. Code § 5101.63

- (A) (1) No person listed in division (A)(2) of this section having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall knowingly fail to immediately report such belief to the county department of job and family services.
- (2) All of the following are subject to division (A)(1) of this section: . . . (y) A member of the clergy; . . .
- (C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department.

Law on Disclosures by Clergy

Ohio Rev. Code § 2317.02

The following persons shall not testify in certain respects:

- ...
- (C) (1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division

(A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust.

(2) As used in division (C) of this section:

(a) "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.

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

PENNSYLVANIA

Summary of Provisions

Child Abuse Reporting: Mandated reporters include clergy, school employees, child care employees, and volunteers or employees who work regularly with children in their roles. A mandated reporter who has reasonable cause to suspect that a child is a victim of child abuse must immediately make an oral report on the statewide toll-free reporting line by calling 1-800-932-0313. Within 48 hours after making an oral report, a mandated reporter must also submit a written report. If a report is made, local ICKSP leadership should be made aware so ICKSP can cooperate with an investigation of the report.

Priests are not required to report confidential communications, such as those received in confession. Additionally, under Pennsylvania's statute establishing the clergy-penitent privilege, priests *cannot* report such information unless the person who revealed it to the priest consents to it being revealed.

Pennsylvania's statutory provisions concerning child abuse reporting can be found at 23 Pa. Cons. Stat. § 6311. Pennsylvania's statutory protection for confidential communications to clergymen can be found at 42 Pa. Cons. Stat. § 5943. Highlighted excerpts are below.

Elder Abuse Reporting: Pennsylvania law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to workers of facilities specifically to care for elderly or vulnerable adults. Any person can submit a report of elder abuse to the area agency on aging. *See* 35 Pa. Cons. Stat. § 10225.103, 35 Pa. Cons. Stat. § 10225.302, and 35 Pa. Cons. Stat. § 10225.701.

Excerpts from the Law*Child Abuse Reporting*23 Pa. Cons. Stat. § 6311

(a) Mandated reporters. **The following adults shall make a report of suspected child abuse,** subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:

...

(4) **A school employee.**

(5) **An employee of a child care service,** who has direct contact with children in the course of employment.

(6) **A clergyman,** priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.

(7) **An individual paid or unpaid, who,** on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or **has direct contact with children.**

...

(12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (13), who has direct contact with children in the course of employment.

...

(c) Staff members of institutions, etc. Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately in accordance with section 6313 and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility or agency with the investigation of the report . . .

23 Pa. Cons. Stat. § 6311.1

(a) General rule. — Subject to subsection (b), the privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not:

- (1) Apply to a situation involving child abuse.
- (2) Relieve the mandated reporter of the duty to make a report of suspected child abuse.

(b) Confidential communications. — The following protections shall apply:

- (1) Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen).

23 Pa. Cons. Stat. § 6313

(a) Report by mandated reporter.

- (1) A mandated reporter shall immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) or a written report using electronic technologies under section 6305 (relating to electronic reporting).
- (2) A mandated reporter making an oral report under paragraph (1) of suspected child abuse shall also make a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case in a manner and format prescribed by the department.

Elder Abuse Reporting

35 Pa. Cons. Stat. § 10225.103

“ADMINISTRATOR.” The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.

...

“EMPLOYEE.” An individual who is employed by a facility. The term includes contract employees who have direct contact with residents or unsupervised access to their personal living quarters. The term includes any person who is employed or who enters into a contractual relationship to provide care to a care-dependent individual for monetary consideration in the individual’s place of residence.

...

“FACILITY.” Any of the following:

(1) A domiciliary care home as defined in section 2202-A of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.

(2) A home health care agency.

(3) A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L. 130, No. 48), known as the Health Care Facilities Act.

(4) An older adult daily living center as defined in section 2 of the act of July 11, 1990 (P.L. 499, No. 118), known as the Older Adult Daily Living Centers Licensing Act.

(5) A personal care home as defined in section 1001 of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.

35 Pa. Cons. Stat. § 10225.302

(a) REPORTING.— Any person having reasonable cause to believe that an older adult is in need of protective services may report such information to the agency which is the local provider of protective services.

35 Pa. Cons. Stat. § 10225.701

(a) MANDATORY REPORTING TO AGENCY.—

(1) An employee or an administrator who has reasonable cause to suspect that a recipient is a victim of abuse shall immediately make an oral report to the agency. If applicable, the agency shall advise the employee or administrator of additional reporting requirements that may pertain under subsection (b). An employee shall notify the administrator immediately following the report to the agency.

Law on Disclosures by Clergy

42 Pa. Cons. Stat. § 5943

No clergyman, priest, rabbi or minister of the gospel of any regularly established church or religious organization, except clergymen or ministers, who are self-ordained or who are members of religious organizations in which members other than the leader thereof are deemed clergymen or ministers, who while in the course of his duties has acquired information from any person secretly and in confidence shall be compelled, or allowed without consent of such person, to disclose that information in any legal proceeding, trial or investigation before any government unit.

WISCONSIN

Summary of Provisions

Child Abuse Reporting: In Wisconsin, mandatory reporters include clergy, school teachers and other school employees, and child care workers and providers. Mandatory reporters must report known or suspected child abuse observed in the course of their professional duties. Additionally, clergy must report known or suspect abuse perpetrated by another member of the clergy. Reports should be made to the County Department of Health and Human Services or local law enforcement.¹⁶

Clergy are exempted from reporting when they learn of child abuse solely through confidential communications made in confession or another private communication.

Wisconsin's statutory provisions concerning child abuse reporting can be found at Wis. Stat. § 48.981. Highlighted excerpts are below.

Elder Abuse Reporting: Wisconsin law requiring reporting of abuse of adults is limited, and does not appear to apply to the work of ICKSP. Mandatory reporting is limited to workers of facilities licensed by the state to care for elderly or vulnerable adults, health care providers, and social workers or professional counselors. *See* Wis. Stat. § 46.90.

Excerpts from the Law*Child Abuse Reporting*Wis. Stat. § 48.981

(2) Persons required to report.

(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in sub. (3):

...

14. A school teacher.

15. A school administrator.

16. A school counselor.

16m. A school employee not otherwise specified in this paragraph.

...

18. A child care worker in a child care center, group home, or residential care center for children and youth.

19. A child care provider.

...

(bm)

1. Except as provided in subd. 3. and subs. (2m) and (2r), a member of the clergy shall report as provided in sub. (3) if the member of the

¹⁶ The Wisconsin Department of Children and Families maintains a website with the appropriate contacts for reporting in each county. It can be found here: dcf.wisconsin.gov/reportabuse.

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:

- a. Has been abused, as defined in s. 48.02 (1) (b) to (f); or
- b. Has been threatened with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the child will likely occur.

2. Except as provided in subd. 3. and subs. (2m) and (2r), a member of the clergy shall report as provided in sub. (3) 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:

- a. Abused a child, as defined in s. 48.02 (1) (b) to (f).
- b. Threatened a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the child will likely occur.

3. A member of the clergy is not required to report child abuse information under subd. 1. or 2. 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.

Elder Abuse Reporting

Wis. Stat. § 46.90

(4) Reporting.

(ab) The following persons shall file reports as specified in par. (ad):

1. An employee of any entity that is licensed, certified, or approved by or registered with the department.
3. A health care provider, as defined in s. 155.01 (7).
4. A social worker, professional counselor, or marriage and family therapist certified under subch. I of ch. 457 or a professional counselor who is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.

(ad) Except as provided in par. (ae), a person specified in par. (ab) who has seen an elder adult at risk in the course of the person's professional duties shall file a report with the county department, the elder-adult-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long-term care if the elder adult at risk has requested the person to make the report, or if the person has reasonable cause to believe that any of the following situations exist:

1. The elder adult at risk is at imminent risk of serious bodily harm, death, sexual assault, or significant property loss and is unable to make an informed judgment about whether to report the risk.
2. An elder adult at risk other than the subject of the report is at risk of serious bodily harm, death, sexual assault, or significant property loss inflicted by a suspected perpetrator.

Law on Disclosures by Clergy

Wis. Stat. § 905.06

(1) Definitions. As used in this section:

(a) A “member of the clergy” is a minister, priest, rabbi, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting the individual.

(b) A communication is “confidential” if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

(2) General rule of privilege. A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a member of the clergy in the member’s professional character as a spiritual adviser.

(3) Who may claim the privilege. The privilege may be claimed by the person, by the person’s guardian or conservator, or by the person’s personal representative if the person is deceased. The member of the clergy may claim the privilege on behalf of the person. The member of the clergy’s authority so to do is presumed in the absence of evidence to the contrary.

(4) EXCEPTIONS. There is no privilege under this section concerning observations or information that a member of the clergy, as defined in s. 48.981 (1) (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2) (bm) or as a threat of violence in or targeted at a school under s. 175.32.