

Clergy Confidentiality and Mandated Reporting

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Issue

You asked several questions regarding clergy members, specifically about confidentiality of certain communications and mandated reporting. We answer each question below.

Are there any laws applicable to clergy confidentiality and clergy privilege?

Yes. Under Connecticut law, a clergy member's communications with a person in a professional capacity are privileged under certain circumstances ([CGS § 52-146b](#)).

Unless the person who made the confidential communication waives the privilege, the law prohibits clergy members, ministers, rabbis, and accredited practitioners of a religious denomination who are settled in the work of ministry from disclosing confidential communications made to them in their professional capacity in any legislative or administrative proceeding or civil or criminal case, including their preliminary proceedings.

Are there statutory circumstances or situations in which clergy confidentiality does not apply?

Although the statutes do not specify the circumstances or situations where clergy confidentiality does not apply, case law has stated there must be a reasonable expectation of confidentiality in the communication for privilege to attach (*State v. Mark*, 300 Conn. 590 (2011)).

Additionally, as is the case with other types of privilege, the presence of third parties generally destroys the confidentiality of a communication, precluding a privilege claim (*Olson v. Accessory Controls & Equipment Corp.*, 254 Conn. 145 (2000)). This rule does not apply when the presence of the third party is required to achieve the purpose of the communication.

Does it matter where the protected information is shared? For example, is a confessional more protected than a general office according to statute?

Neither the statutes nor case law specifically state that information shared in a certain location is privileged. But depending on the circumstances, a particular place (e.g., confessional) may have a higher reasonable expectation of confidentiality.

Is there any differentiation between Catholic and Evangelical clergy in these confidentiality laws according to statute?

No. The statute provides the same privilege to clergy members, ministers, rabbis, or accredited practitioners of a religious domination who are settled in the work of ministry.

Are clergy mandated reporters, and if so, are there any situations where clergy are exempt from mandatory reporting?

Yes, a member of the clergy is a mandated reporter of suspected child abuse ([CGS § 17a-101](#) as amended by [PA 19-64](#), [PA 19-118](#), [PA 19-120](#), & [PA 19-187](#)). By law, mandated reporters must make such a report to the Department of Children and Families or a law enforcement agency when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child under age 18 has been abused, neglected, or placed in imminent risk of serious harm ([CGS § 17a-101a](#)).

The mandated reporter law does not provide any exemptions, but it is unclear whether communications with a clergy member that involve instances of suspected child abuse are privileged. The answer appears to turn on whether a report of suspected abuse or neglect is considered a preliminary proceeding to an administrative proceeding or civil or criminal case, in which case the mandated reporting requirement and the privileged communication requirement could directly conflict. We did not find any case law interpreting the phrase.

Are clergy required to report knowledge of crimes?

No, except for suspected child abuse or neglect, as described above.

Are clergy required to report thoughts of harm to self or others?

No, Connecticut law does not require clergy to report thoughts of harm.

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