

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

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Statute	What is reportable “abuse”	Mandatory reporters	Where to report	Clergy privilege
Code §§ 50- 25.1.01 et seq. (2011)	Sexual abuse committed by anyone, or physical or mental abuse by a person responsible for the child’s welfare (includes the child’s parent, guardian, or foster parent; employee of a school or child care facility; or a person responsible for the child’s welfare in a residential setting)	Includes any “member of the clergy,” schoolteacher or administrator, day care center or any other child care worker. A person who has knowledge of or reasonable cause to suspect that a child is abused or neglected, based on images of sexual conduct by a child discovered on a workplace computer, shall report the circumstances to the department. <i>(50-25. 1-03)</i> Employers are subject to criminal and civil penalties for “retaliating” against an employee who reports child abuse (a rebuttable presumption of retaliation for adverse employment actions taken within 90 days of a child abuse report)	Department of Human Services	“A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual advisor.” <i>[50-25.1.03]</i>