



Clergy Privacy FAQs

Connecticut



Chaplains and campus ministers can often provide confidential support for people in campus communities who have experienced sexual and domestic violence. Because of mandatory reporting laws and Title IX reporting requirements on campus, privileged communications may provide the most privacy protection for these survivors. Privileged communications may be possible with victim advocates and medical staff on campuses in certain jurisdictions, but sometimes chaplains and campus ministers are the only privileged professionals on campus who are not required to report a disclosed sexual assault.¹ Office on Violence Against Women (OVW)-funded victim service providers (VSPs) who work on campuses need to be able to explain to the people they serve how private any communication with chaplains or campus ministers will be and when these clergy may be required to report abuse, neglect, or sexual assault. These FAQs are meant to help VSPs understand the legal parameters for these communications.

These FAQs describe the clergy-penitent privilege and the mandatory reporting laws in the identified jurisdiction. We include legal citations so that you can read more about the laws and make sure they are current. None of the information in these FAQs is legal advice and you should always check with an attorney about how these laws work in your jurisdiction. The FAQs are a part of our Campus Privacy Toolkit. To receive an electronic copy of the Toolkit, or to ask privacy questions related to your OVW-funded work, please email us at TA@victimrights.org.

1 **What is the clergy-penitent privilege in Connecticut?** “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.” Conn. Gen. Stat. Ann. § 52-146b.

2 **What is a “confidential communication”?** “Confidential communication” is not defined. In the context of the marital privilege, the Connecticut Supreme Court found that a “communication is confidential if, at the time of the communication, the communicator could have had a reasonable expectation of confidentiality.” *State v. Christian*, 267 Conn. 710 (2004).

¹ Even if a communication is protected from campus reporting by clergy privilege, jurisdictions may require clergy to report abuse of minors, elders, and persons with disabilities.

How are clergy excepted from, or included in, Connecticut's mandatory reporting laws? (This is not necessarily an exhaustive list of the abuse, neglect, or injuries that must be reported in this jurisdiction.)

Type of abuse or neglect	Rule and exceptions
Child Abuse	<p>“Any mandated reporter, as defined 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 (1) has been abused or neglected, as defined in section 46b-120, (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, 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-101a(a)(1).</p> <p>The enumerated mandatory reporters include a “member of the clergy.” Conn. Gen. Stat. § 17a-101(b)(18).</p>
Elder Abuse	<p>“A mandatory reporter, as defined in this section, 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 seventy-two 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.” Conn. Gen. Stat. § 17b-451(a).</p> <p>The term “mandatory reporter” includes “clergyman.” Conn. Gen. Stat. § 17b-451(a)(8).</p>
Abuse of adults with intellectual disabilities	<p>Among others, any “clergyman” who has reasonable cause to suspect or believe that “any person with intellectual disability or any person who receives services from the Department of Social Services’ Division of Autism Spectrum Disorder Services has been abused or neglected” shall report. Conn. Gen. Stat. § 46a-11b(a).</p>
Other – long-term care facility residents	<p>Among others, any “clergyman” “who has reasonable cause to suspect or believe that a resident in a long-term care facility has been abused, neglected, exploited or abandoned, or is in a condition that is the result of such abuse, neglect, exploitation or abandonment, shall, not later than seventy-two 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 pursuant to chapter 319dd.” Conn. Gen. Stat. § 17a-412(a).</p>

