



Clergy Privacy FAQs

Georgia



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 Georgia? “Every communication made by any person professing religious faith, seeking spiritual comfort, or seeking counseling to any Protestant minister of the Gospel, any priest of the Roman Catholic faith, any priest of the Greek Orthodox Catholic faith, any Jewish rabbi, or any Christian or Jewish minister or similar functionary, by whatever name called, shall be deemed privileged. No such minister, priest, rabbi, or similar functionary shall disclose any communications made to him or her by any such person professing religious faith, seeking spiritual guidance, or seeking counseling, nor shall such minister, priest, rabbi, or similar functionary be competent or compellable to testify with reference to any such communication in any court.” Ga. Code Ann. § 24-9-22.

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.

2

How are clergy excepted from, or included in, Georgia’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
<p>Child abuse</p>	<p>Certain professions (clergy are not included) are required to report when they have reasonable cause to suspect that child abuse has occurred. Ga. Code Ann. § 19-7-5(c)(1). In addition, “[a]ny other person . . . who has reasonable cause to believe that suspected child abuse has occurred may report or cause reports to be made . . .” Ga. Code Ann. § 19-7-5(d).</p> <p>“Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.” Ga. Code Ann. § 19-7-5(g).</p>
<p>Abuse of adults with disabilities and elders</p>	<p>Clergy members are mandatory reporters under Georgia’s Disabled Adults and Elder Persons Protection Act and must report if they have reasonable cause to believe that an adult with disabilities or elder has been the victim of abuse, other than by accidental means, or has been neglected or exploited. Ga. Code Ann. § 30-5-1, et seq.; Ga. Code Ann. § 30-5-4 (a)(1)(A)(x)).</p> <p>An “elder person” is “a person sixty-five years of age or older who is not a resident of a long-term care facility [as defined in statute.]” Ga. Code Ann. § 30-5-3(7.1).</p> <p>A “disabled adult” is defined as “a person 18 years of age or older who is not a resident of a long-term care facility [as defined in statute], but who is mentally or physically incapacitated or has Alzheimer’s disease [as defined in statute], or dementia [as defined in statute].” Ga. Code Ann. § 30-5-3(6).</p> <p>However, a member of the clergy is not required to report matters confided in them solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. If a clergy member receives information leading to suspected abuse, neglect, or exploitation from any other source, they must make a report even if the alleged perpetrator also confided similar information. Ga. Code Ann. § 30-5-1(d).</p>

