



## Clergy Privacy FAQs

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# Indiana

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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.<sup>1</sup> 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](mailto:TA@victimrights.org).

- 1** **What is the clergy-penitent privilege in Indiana?** “Except as otherwise provided by statute, the following persons shall not be required to testify regarding the following communications: . . . (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.” Ind. Code Ann. § 34-46-3-1.

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<sup>1</sup> 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, Indiana’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
<b>Child abuse or neglect</b>	In Indiana, “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.” Ind. Code Ann. § 31-33-5-1.
<b>Endangered adult abuse</b>	<p>Ind. Code Ann. § 12-10-3-9(a) provides “[a]n individual who believes or has reason to believe that another individual is an endangered adult shall make a report . . .”</p> <p>However, an individual may be excused from testifying before a court or grand jury on the basis that this information is privileged. Ind. Code Ann. § 12-10-3-9(b).</p> <p>An “endangered adult” is defined as someone who is at least eighteen years old and is “incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, 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 is harmed or threatened with harm as a result of neglect, a battery offense, or exploitation of the individual’s personal services or property. Ind. Code Ann. §12-10-3-2(a).</p>

