



Clergy Privacy FAQs

Louisiana



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 Louisiana?** “A person has a privilege to refuse to disclose and to prevent another person from disclosing a confidential communication by the person to a clergyman in his professional character as spiritual adviser.” La. Code Evid. Ann. art. 511(B).

2 **Who is “clergy”?** A “clergyman” is “a minister, priest, rabbi, Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him.” La. Code Evid. Ann. art. 511(A)(1).

3 **What is a “confidential communication”?** A communication is “confidential” “if it is made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.” La. Code Evid. Ann. art. 511(A)(2).

4 **Who may claim the privilege?** The privilege may be claimed by the person or by their legal representative. The clergyperson is presumed to have authority to claim the privilege on behalf of the person or deceased person. La. Code Evid. Ann. art. 511(C).

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, Louisiana’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 or neglect | <p>“Notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child’s physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child’s death shall report in accordance with Article 610.” La. Code Evid. Ann. art. 609(A)(1); 610(A)(1).</p> <p>Mandatory reporters include a “[m]ember of the clergy” which is defined as “any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization.” La. Code Evid. Ann. art. 603(17)(c).</p> <p>However, such individuals “are not required to report a confidential communication, as defined in Code of Evidence Article 511, from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, the mandatory reporter shall encourage that person to report the allegations to the appropriate authorities in accordance with Article 610.” Id.</p> |
| Abuse of certain adults | <p>“Any person” having cause to believe that an adult’s physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation is required to make a report. La. Code Evid. Ann. § 15:1504(A).</p> <p>“Adult” means any individual eighteen years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage their own resources, carry out the activities of daily living, or protect themselves from abuse, neglect, or exploitation. La. Code Evid. Ann. § 15:1503(3).</p> <p>Clergy are not exempted from these reporting requirements.</p> |

