



Clergy Privacy FAQs

Maryland



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.

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What is the clergy-penitent privilege in Maryland? “A minister of the gospel, clergyman, or priest of an established church of any denomination may not be compelled to testify on any matter in relation to any confession or communication made to him in confidence by a person seeking his spiritual advice or consolation.” Md. Code Ann., Cts. & Jud. Proc. § 9-111.

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.

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How are clergy exempted from, or included in, Maryland’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>“Except as provided [below], notwithstanding any other provision of law, including a law on privileged communications, a person in this State . . . who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.” Md. Code Ann., Fam. Law § 5-705(a)(1).</p> <p>“A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matters in relation to any communication described in § 9-111 of the Courts Article and: (i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and (ii) the minister, clergyman or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.” Md. Code Ann., Fam. Law § 5-705(a)(3).</p>
<p>Abuse of vulnerable adults</p>	<p>Members of the clergy are not mandatory reports of abuse of vulnerable adults. Md. Code Ann., Fam. Law § 14-302(a) (requiring health practitioners, police officers, or human service workers who contacts, examines, attends, or treats an alleged vulnerable adult to report if they have reason to believe the vulnerable adult has been subjected to abuse, neglect, self-neglect or exploitation).</p> <p>However, “[a]ny individual . . . who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation” may file a report. Md. Code Ann., Fam. Law § 14-302(c).</p> <p>“Vulnerable adult” means an adult who lacks the physical or mental capacity to provide for their daily needs. Md. Code Ann., Fam. Law § 14-101(q).</p>

