



Clergy Privacy FAQs

New Hampshire



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 New Hampshire? “A priest, rabbi or ordained or licensed minister of any church or a duly accredited Christian Science practitioner shall not be required to disclose a confession or confidence made to him or her in his or her professional character as spiritual advisor unless the person confessing or confiding waives the privilege.” N.H. Rev. Stat. Ann. § 516:35; N.H. R. Evid. 505.

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, New Hampshire’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>The list of mandatory reporters of child abuse includes a “Christian Science practitioner” and “priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected.” N.H. Rev. Stat. Ann. § 169-C:29.</p> <p>The clergy-penitent privilege does not constitute grounds for failing to report child abuse. “The privileged quality of communication between husband and wife and any professional person and his patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter and shall not constitute grounds for failure to report as required by this chapter.” N.H. Rev. Stat. Ann. § 169-C:32.</p>
<p>Abuse of vulnerable adults</p>	<p>“Any person, including, but not limited to . . . clergy . . . suspecting or believing in good faith that any adult who is or who is suspected to be vulnerable has been subjected to abuse, neglect, self-neglect, or exploitation or is living in hazardous conditions shall report or cause a report to be made . . .” N.H. Rev. Stat. Ann. § 161-F:46.</p> <p>“Vulnerable” means that the physical, mental, or emotional ability of a person is such that they can’t manage personal, home, or financial affairs in their own best interest, or they are unable to act or to delegate responsibility to a responsible caretaker or caregiver. N.H. Rev. Stat. Ann. § 161-F:43. VII.</p> <p>The clergy-penitent privilege does not constitute grounds for failing to report vulnerable adult abuse. “The privileged quality of communication between husband and wife and any professional person and his patient or client, except that between attorney and client, shall not apply to any proceedings instituted pursuant to this subdivision and shall not constitute grounds for failure to report as required by this subdivision.” N.H. Rev. Stat. Ann. § 161-F:48.</p>

