



Clergy Privacy FAQs



The Northern Mariana Islands

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 the Northern Mariana Islands? The Northern Mariana Islands Rules of Evidence do not include a specific clergy-penitent privilege. These Rules state that the “common law – as interpreted by Commonwealth courts in the light of reason and experience – governs a claim of privilege unless any of the following provides otherwise: the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America; the United States Constitution; the Commonwealth Constitution; a Commonwealth statute; or rules prescribed by the Commonwealth Supreme Court.” NMI Rules of Evidence, Rule 501.

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, the Northern Mariana Islands' 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	<p>Clergy are not specifically mentioned in the Northern Mariana Islands' mandatory child abuse reporting law. See 6 N. Mar. I. Code § 5313 (stating that reports are required from specified individuals, including "religious healing practitioners," but not specifically referencing clergy). However, "any other person may at any time report known or suspected instances of child abuse or neglect." <i>Id.</i></p> <p>Under 6 N. Mar. I. Code § 5317, common law statutory privileges as between husband and wife and a professional person and their patient or client, except for that between attorney and client, do not apply to communications relating to the reporting of child abuse offenses.</p>
Elder abuse	<p>Clergy are not referenced in the Commonwealth's elder abuse mandatory reporting provision. Various officials, including a "religious healer," are required to report elder abuse. This statute applies to suspected abuse victims who are age fifty-five and older. N. Mar. I. Pub. L. 09-21.</p>

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