



Clergy Privacy FAQs

Rhode Island



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 Rhode Island?** “In the trial of every cause, both civil and criminal, no member of the clergy or priest shall be competent to testify concerning any confession made to him or her in his or her professional character in the course of discipline enjoined by the church to which he or she belongs, without the consent of the person making the confession. No duly ordained minister of the gospel, priest, or rabbi of any denomination shall be allowed in giving testimony to disclose any confidential communication, properly entrusted to him or her in his or her professional capacity, and necessary and proper to enable him or her to discharge the functions of his or her office in the usual course of practice or discipline, without the consent of the person making the communication.” R.I. Gen. Laws § 9-17-23.

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, Rhode Island’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>“Any person who has reasonable cause to know or suspect that any child has been abused or neglected . . . or has been a victim of sexual abuse by another child” must report. R.I. Gen. Laws § 40-11-3(a).</p> <p>The only privilege that affects the duty to report child abuse is the attorney-client privilege. R.I. Gen. Laws § 40-11-11 (“The privileged quality of communication between husband and wife and any professional person and his or her patient or client, except that between attorney and client, is hereby abrogated in situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required by this chapter, failure to cooperate with the department in its activities pursuant to this chapter, or failure to give or accept evidence in any judicial proceeding relating to child abuse or neglect.”).</p>
Elder abuse, neglect, or exploitation	<p>“Any person who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate report to the director of the department of elderly affairs, or his or her designee, or appropriate law enforcement personnel.” R.I. Gen. Laws § 42-66-8.</p>
Abuse of adults with developmental disabilities	<p>“Any person within the scope of their employment at a program or in their professional capacity who has knowledge of or reasonable cause to believe that a participant in a program has been abused, mistreated or neglected shall make, within twenty-four (24) hours or by the end of the next business day, a written report to the director of the department of behavioral healthcare, developmental disabilities and hospitals or his or her designee.” R.I. Gen. Laws § 40.1-27-2(a).</p> <p>A “participant” is “any person with developmental disabilities who participates in a program.” R.I. Gen. Laws § 40.1-27-1(d).</p> <p>A “program” is “any day treatment program, habilitation program, rehabilitation program or other program for persons with developmental disabilities licensed by the department of mental health, retardation, and hospitals pursuant to [statute].” R.I. Gen. Laws § 40.1-27-1(e).</p>

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Type of abuse or neglect	Rule and exceptions
Abuse of adults with developmental disabilities, cont.	Further, any “. . . person, within the scope of their employment at a facility or in their professional capacity, who has knowledge of or reasonable cause to believe that a patient or resident in a facility has been abused, mistreated, or neglected shall make, within twenty-four (24) hours or by the end of the next business day, a telephone report to the director of the department of health or his or her designee for those incidents involving health care facilities, and in addition to the office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home-care and home nursing-care providers, veterans’ homes and long-term care units in Eleanor Slater Hospital, or to the director of the department of behavioral healthcare, developmental disabilities and hospitals or his or her designee for those incidents involving community residences for people who are mentally retarded or persons with developmental disabilities.” R.I. Gen. Laws § 23-17.8-2(a).

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