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The Mandate to Report Child Abuse and the Clergy Privilege of Confidentiality: How Are These Understood?

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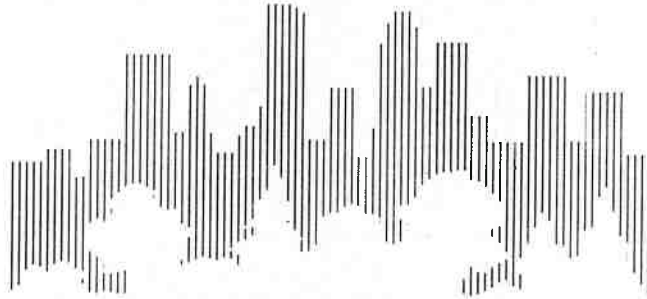
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**MASTERS IN SOCIAL WORK
THESIS**

Brant Moore Thomsen

**The Mandate to Report Child Abuse and the
Clergy Privilege of Confidentiality:
How Are These Understood?**

2000

**MSW
Thesis**

Thesis
Thomse

THE MANDATE TO REPORT CHILD ABUSE
AND THE CLERGY PRIVILEGE OF CONFIDENTIALITY:
HOW ARE THESE UNDERSTOOD?

BRANT MOORE THOMSEN

Submitted in partial fulfillment of
the requirement for the degree of
Master of Social Work

AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA

2000

MASTER OF SOCIAL WORK
AUGSBURG COLLEGE
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for the Master of Social Work Degree.

Date of Oral Presentation: June 22, 2000

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DEDICATION

This work is dedicated to my family.

To my daughters Alyssa and Kiana,
whose eyes speak of the love of God,
and to my wife Rochelle
who first opened my eyes to God.

God's love bursting through our children
fills me with the passion to know
that this thesis is only a
beginning.

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Thank you to my thesis readers, Professor Laura Boisen and Leisl Marcuson. Your careful reflection and honest assessment have challenged me to write what I really mean to say.

And Rochelle, my friend, you will soon have me back! You are an amazing source of strength, and if it were not for you I would have quit long before things got cooking. When did you say you will start your thesis?

ABSTRACT

THE MANDATE TO REPORT CHILD ABUSE AND
THE CLERGY PRIVILEGE OF CONFIDENTIALITY:
HOW ARE THESE UNDERSTOOD?

A QUALITATIVE STUDY OF HOW CHILD PROTECTION WORKERS AND
PASTORS UNDERSTAND THE COMPLEX RELATIONSHIP BETWEEN THE
MANDATE TO REPORT AND THE RIGHT TO SPIRITUAL CONFIDENCE

BRANT MOORE THOMSEN

JUNE 22, 2000

While clergy in Minnesota are mandated to report child abuse, they are also mandated to keep information confidential. While many studies have been completed looking at the behavior of mandated reporters, and many others have been completed looking at the ethical issues faced by the clergy who experience this dual mandate, little research has brought the two together. This qualitative study explored the perceptions of child protection workers in Dakota County in Minnesota, and pastors in the Evangelical Lutheran Church in America who serve congregation in Dakota County.

The findings show that within each group there are a variety of understandings of mandated reporting, the clergy privilege, and what clergy should do when faced with this dilemma. There are also different perceptions of the relationship between the child protection system and the church – all the way from no relationship at all to current examples of partnership. This study shows that there may be merit in intentionally developing healthy communication between pastors and child protection workers, actually reading the statutes that mandate reporting and clergy confidentiality, improving the support and education that already exists, and considering specific solutions to the dilemma.

TABLE OF CONTENTS

CHAPTER ONE: INTRODUCTION

Background	1
Purpose.....	2
Research Questions	3
Potential Significance.....	3

CHAPTER TWO: REVIEW OF LITERATURE

Introduction.....	4
Minnesota's Statutes.....	4
The Lutheran Confession.....	6
The Literature.....	7
Common Threads Across The Articles.....	13
Findings and Limitations In The Literature	19
The Literature and The Objectives of This Study.....	20

CHAPTER THREE: THEORETICAL FRAMEWORK

Introduction.....	22
The Contingency Theory.....	22
The Ecological Systems Theory.....	24

CHAPTER FOUR: METHODOLOGY

Key Definitions	27
Recruitment Process and Sampling Criteria.....	28
Study Design	30
Study Population.....	30
Measurement Issues.....	31

Data Collection.....	33
Data Analysis.....	33
Protection of Human Subjects.....	33
CHAPTER FIVE: FINDINGS	
Overview.....	34
Findings Related To Research Question One.....	34
Findings Related To Research Question Two.....	38
Findings That Tie The Two Together.....	44
Findings Related To Research Question Three.....	54
CHAPTER SIX: ANALYSIS OF FINDINGS AND IMPLICATIONS	
Overview	62
Social Work Perspective	62
Frame of Reference	62
Findings Analysis.....	64
Trust.....	64
Decisions.....	65
Education and Support Go Together.....	66
Partnership.....	67
Communication.....	69
Strengths and Limitations of Research.....	69
Implications For Practice	70
Implications for Research.....	77
REFERENCES.....	79

APPENDICES

Appendix A: Augsburg Institutional Review Board Approval Letter.....	81
Appendix B: Consent Form For Clergy	82
Appendix C: Consent Form For Social Workers	84
Appendix D: Solicitation Letter For Pastors	86
Appendix E: Solicitation Letter For Child Protection Workers	87
Appendix F: Summary	88
Appendix G: Interview Guide	89

Chapter 1: Introduction

Background

Professionals in child protection services and professionals in pastoral ministry see child abuse. Both take child abuse and the needed intervention seriously. Clergy are traditionally expected to keep communications confidential while they are simultaneously mandated to report child abuse to the public child welfare system. Each state has its own statutes regarding what is known as "The Clergy Privilege." "Clergy privileged communications are those disclosures from clients to clergy, by word or writing, that are exempted from being offered as evidence in court." (Bullis, 1990, p.76). The mandate to report child abuse is relatively new: "The history of special child abuse legislation begins in the early 1960's, and from the beginning reporting requirements have been central" (Mitchell, 1987, p.723). While mandated reporting has a short history, the expectation that clergy will not share information goes back fifteen hundred years(!) (Hill & Li, 1990).

The reality is that there are two systems advocating for the welfare of children, both dealing with very sensitive information. One system is centuries old, based in religious institutions, and supported in federal and state laws. The other is several decades old, based in governmental institutions, and supported in state laws. The key area of tension between the two systems is the conflict between the legal mandate to report and the traditional expectation (supported by legal mandate) that clergy keep things confidential.

Purpose

This research is being done because the mandate to report child abuse, the clergy privilege, and how the two relate, are not clearly or consistently understood among clergy and child protection workers. This qualitative study will provide a descriptive analysis of how both clergy and child protection workers understand this issue.

The first reason for this study is to examine the knowledge and understanding of this issue that clergy and child protection workers have. It will be interesting to see how they have been educated and/or trained in this area. The literature reviewed shows that this issue has not been greatly researched. Of 65 relevant articles, only 16 were found to have a focus that is directly related. Many of these articles talked about and/or surveyed clergy. Many of these studies systematically and categorically documented the reporting behavior on the part of professionals who are mandated reporters. Of all these studies, however, only one systematically looked at patterns of reporting behavior on the part of clergy. This appears to be a gap in research.

The second reason for this study is to take a look at communication between child protection professionals and clergy. The literature reviewed repeatedly stresses the importance of communication between the two groups (Compaan, Doueck, and Levine, 1997; Zellman, 1990; Grossoehme, 1998). This research will provide a preliminary assessment of the communication between two specific groups:

1. The Lutheran Clergy in Dakota County.
2. The Child Protection Professionals in Dakota County.

The third reason for this study is to examine how child protection workers and clergy understand the laws behind mandated reporting and the clergy privilege. In most

states there is a lack of clarity in the laws that define who is mandated to report and those that define who fits under the “clergy privilege” (Grossoehme, 1998; Cole, 1987; and Mitchel, 1987). The Minnesota statutes themselves appear difficult to interpret.

Research Questions

1. How do clergy and child protection workers view mandated reporting?
2. How do clergy and child protection workers view the clergy privilege?
3. How do clergy and child protection workers understand the relationship between the church and the child protection system?

Potential Significance

This qualitative study may provide a picture of how the clergy privilege and the mandate to report child abuse are understood by those professionals most directly effected – clergy and child protection workers. While this study will specifically focus on child protection workers in Dakota County and on the Lutheran clergy in Dakota County, it may provide implications for further research. It also will provide an opportunity for those interviewed, and those who read this study, to think in more depth about the complex legal and ethical issues involved.

Chapter 2: Review of Literature

Introduction

The Minnesota statutes on mandated reporting and the clergy privilege will first be discussed. This will be followed by a discussion of the Lutheran teachings on the confession. This is being done intentionally to provide context. The articles read will then be summarized, with the differences and common threads between them being explored. The tension between the clergy privilege and mandated reporting will then be looked at. It becomes apparent that there are different perspectives when one compares the legal journals, the pastoral journals, and the secular child welfare journals. While the articles reviewed have a national focus, the issues they address need to be thought of in light of Minnesota's laws on mandated reporting and the clergy privilege. The common threads that run across the literature will then be explored. This chapter will end with discussions of the findings and limitations of the literature, and how it relates to the objectives of this study.

Minnesota's Statute's

The Department of Human Services provides a publication titled A Resource Guide For Mandated Reporters (1997.) This guide provides a copy of the Minnesota Statute defining who must report. This is statute 626.556. Subdivision 3.2 of this statute says a person is mandated to report if that person is "...employed as a member of the clergy and received the information while engaged in ministerial duties." A note is then provided clarifying that clergy *may not* have to report under certain privileged circumstances and that this is clarified in Minnesota Statute 295.02, Subd. 1c. It's interesting to note that these exceptions (found in statute 295.02) are not directly printed

in A Resource Guide For Mandated Reporters (1997). Statute 295.02, Subd. 1c reads as follows:

A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs;

Nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(Minnesota Statute 295.02, Subd. 1c, on-line.)

In the case of *confession* this clearly gives the person providing information control. By law the pastor cannot report what has been shared during confession. There appears to be a contradiction – on the one hand the resource guide for mandated reporters says professionals – including clergy - are required [*emphasis mine*] to make a report (Children's Initiative, 1997); on the other hand statute 295.02 says that clergy legally cannot [*emphasis mine*] disclose information without consent. According to statute 626.556, Subd. 3.2, clergy are mandated to report, and yet they are breaking the law (Statute 295.02, Subd. 1c) if they report a confession without the client's consent.

The second half of Statute 295.02, Subd. 1c, talks about the clergy being *examined*. This refers to circumstances in which a third party (i.e. law enforcement, an attorney, etc.) comes to the pastor seeking information. It says that when the pastor has learned something, including child abuse, during ministerial duties, this information cannot be shared without the person's consent.

This statute also leaves things vague. It says that clergy can not make reports, or be examined, regarding anything they are told while in their “professional character.”

When are they in their “professional character” and when are they not?

The Lutheran Confession

Minnesota statute 295.02, subdivision 1c, very concisely mandates that a pastor cannot “...disclose a *confession* made...in the course of the discipline enjoined by the rules...” of the specific church to which she belongs [emphasis mine]. In today’s Lutheran seminaries, and in many congregations, the Book of Concord, a compilation of the central teachings of Martin Luther, is a primary source of doctrine. The definition of confession found within Luther’s Small Catechism, located in the Book of Concord, says:

Confession consists of two parts. One is that we confess our sins. The other is that we receive absolution or forgiveness from the confessor (*the pastor*) as from God himself...firmly believing that our sins are thereby forgiven before God in heaven (p. 349).

It’s important to highlight that this understanding sees forgiveness coming from God Himself.

Within the Manual on the Liturgy, of the Lutheran Book of Worship used today by Lutheran pastors, is the following dialogue on individual confession and the importance of confidentiality:

The confidentiality of the confession must under no circumstances be broken.

The confession made by a penitent to a pastor is protected from disclosure by the tradition of the Christian church. The Pastor must respect “the seal of the confession,” and the people need to be taught that the pastor is obliged to respect

at all times the confidential nature of a confession so that they can freely open their consciences.

As will be documented later in this literature review, this tradition is supported by both federal and state law. We see here that the Lutheran understanding of confession, as the Catholic, clearly establishes the need for confidentiality. Confidentiality must be present if the person confessing their sin is to trust that they can genuinely open their heart to God's ears and to God's healing.

It is this healing work of God that enables the person genuinely confessing sin in confidence, to let go of their sin and to change. The true change in the one who has confessed a sin is the result of repentance. Luther writes about this in Article XII of his Augsburg Confession:

Properly speaking, repentance consists of these two parts: one is contrition, that is, terror smiting the conscience with a knowledge of sin, and the other is faith, which is born of the Gospel, or of absolution, believes that sins are forgiven for Christ's sake, comforts the conscience, and delivers it from terror. The good works, which are the fruits of repentance are bound to follow.

In other words, confession's relevance and reality is not just to make the person feel better, but through God's grace and power, to yield actual change in behavior.

In summary, this understanding of confession and the importance of its confidentiality, says that based in faith the person truly admits their sin to God through the pastor, truly receives forgiveness, and as a result has both a relieved conscience and a change in actual behavior.

The Literature

The literature reviewed can be broken into three categories: child welfare journal articles, pastoral care journal articles, and legal journal articles.

Child Welfare Journal Articles. In overview there is one striking observation. Despite the extensive academic search completed, only one of the six articles found in secular child welfare journals focuses on clergy. In fact, the other five articles summarize studies done which analyze a broad range of helping professions who are mandated to report. The range of professionals addressed in the research include psychologists (Kalichman, et al., 1997), child protective service workers (Giovannoni, 1995), probation staff, school workers, medical professionals, social services staff, police officers, day care providers (Compaan, et al., 1997), and social workers (Schwartz, 1989). Not one of these five articles looking at mandated reporting patterns across professions even mentions clergy.

The overall findings specific to the child welfare articles, center around two issues: communication and decision making. Compaan, Doueck, and Levine (1997) stress that communication and cooperation between community professionals and child protection could be improved. Zellman (1990) points out that this extends to the legal foundation as well, stressing that the makers of the laws holding up mandated reporting, apparently did not communicate with actual reporters before designing their laws.

Giovannoni (1995) found that decisions to report were not clearly correlated to the reporter being mandated or non-mandated. Decision making patterns were found to be complex (Kalichman, 1990; Compaan et a., 1997; Zellman, 1990; and Giovannoni, 1995.) Zellman (1990) found that reporters consider the following factors: the perceived

benefit of reporting, the seriousness of the abuse, the label 'abuse' in and of itself, and whether or not they are legally required to report. Kalichman's summary gives a clear overview of his finding in his study of licensed psychologists:

“...decisions to report abuse are complex and...clinicians allow several considerations to enter into their decisions making, despite the law's clear requirement to report...Further research is also needed to investigate the rationale involved in reporting decisions and how the decisions are affected by the attitudes and beliefs about child abuse held by professionals.” (Kalichman, et al., 1990, p. 75.)

These findings certainly have relevance when looking at the factors that play into clergy decisions to report or not to report.

As noted above, the study completed by Daniel Grosseohme (1998) is the only one found that directly includes clergy. It was his intention to gain some understanding of clergy beliefs and practice concerning the reporting of suspected abuse (Grosseohme, 1998). He sent a survey to the 435 congregations on his hospital's pastoral care mailing list and 143 were returned. This included 23 denominations. Findings indicate that 29% of clergy have no education about child abuse and neglect, 22% believe that concrete evidence of abuse is necessary before reporting, many do not trust the child protection system, and many do not report child abuse even when it is known to them. (Some clarified that although they do not report abuse, they have the client make the report themselves.) The scope of his study was limited by method and geographic location, although it did go across denominational lines.

Pastoral Care Journal Articles and Christian Periodicals. The seal of confession – the centuries old expectation that a person’s confession of a sin will be “sealed” or kept confidential - is a thread that has run through all of the following articles (Audette, 1998; Taylor, 1997; Bullis, 1990; Dechant, 1991; Knapp and VandeCreek, 1985; MacDonald, Hill, and Li, 1990; Hill and Li, 1990.) It is worth noting, however, that 49% of the clergy who responded to Grossoehme’s study said they would willingly report information obtained during confession. Several points are made in this group of articles. First, the clergy privilege is understood differently by different people and from one state to the next (Bullis, 1990; Dechant, 1991; and Knapp and VandeCreek, 1985.) Second, in reality there is a level of legal complexity and uncertainty behind the clergy privilege (Audette, 1998; Taylor, 1997; Bullis, 1990; Dechant, 1991.) Third, education is something clergy need in order to accurately decide when they will report and when they will not report (Audette, 1998; and Bullis, 1990.)

The fourth point is perhaps the most central: clergy need to be intentional about what they do when it comes to the decision to report or not (Audette, 1998; and Dechant, 1991). Taylor (1997) has wisdom about how this is to be done. He strongly recommends that the minister find out the following: the legal definition of child abuse, the specifics of mandated reporting laws where they live, what the consequences are for wrongly reporting or for not reporting, what must be reported, and how their state’s clergy privileged communication statute affects the requirement that the minister report child abuse. He stresses that he hopes that clergy have a balance between the moral responsibility to intervene and the legal expectation of confidentiality.

The fifth and last point, which ties into the legal articles that follow, is that authority at best is not clear (Knapp and VandeCreek, 1985; and MacDonald, Hill, and Li, 1993). There are both state and constitutional legal issues involved. Knapp and VandeCreek point out that unlike other professionals, who receive their authority from professional organizations and secular courts, clergy get their authority from a personal sense of calling, and the church.

Legal Journal Articles. These articles went into great detail, supporting their findings with historical detail of legislation and Supreme Court cases in many states. In 1990 Hill and Li wrote **A current church-state battleground: Requiring clergy to report child abuse.** This article takes a look at court cases with direct implications for the clergy's need to respect confidentiality. They reviewed several hundred years of history (back to 600 AD) in which clergy have been privileged to not have to disclose information shared. They stressed that while the church takes very seriously the importance of protecting children, this should not over rule the centuries old relationship of trust that makes confession, healing, and salvation possible (Hill and Li, 1990). They warn that strict mandated reporting expectations can stifle the trust that has enabled intimate pastoral care – pastoral care which itself is a source of child protection that exists along side the state system (Hill and Li, 1990). Cole (1987) stresses that this trust, this source of intimate pastoral care, is constitutionally based:

According to the Supreme Court, 'the priest-penitent privilege recognizes the human need to disclose to a spiritual counselor, in total and absolute confidence, what are believed to be flawed acts or thoughts and to receive priestly consolation and guidance in return.' (p. 19).

Cole writes that there are two reasons that religious confidentiality has traditionally been given legal protection. The first is its benefit to society:

Confidentiality fosters the clergy-communicant relationship from which many individuals draw psychological and spiritual sustenance...An atmosphere of trust...is the key-stone of strong clergy-communicant relationships which are in turn the cement that holds many religious organizations together. In a very real sense, then, the value of religious confidentiality is the value to society of religion and religious organizations generally...Religious organizations based on claims to unchanging truths are a stabilizing influence in an increasingly fast-paced and atomized society where the bonds of community are scarce and worth preserving. Moreover, many provide needed social services that government is unwilling or unable to provide in a cost-efficient and humane manner. (p.15).

The second reason this is upheld by law is freedom of belief:

Religious confidentiality, like other religious practices, should be afforded legal protection simply because all persons have a fundamental right to exercise their religious beliefs freely...The New testament commands Christians to confess their sins so that they may receive healing and forgiveness.” (p16).

The legal protection for religious confidentiality is therefor based in both societal welfare and constitutionally defended religious freedom in and of itself.

The legal journal articles not only do a good job of documenting the constitutionality of the clergy-privilege, they also talk about the inherent conflict and what it means (Cole, 1987; Hill and Li, 1990; Mitchell, 1987). On the one hand we have constitutionally supported trust and on the other, we have a child welfare system that

can't operate without information. Hill and Li (1990) stress that while the church takes the importance of protecting children very seriously, this should not over rule the centuries old relationship of trust. They warn that strict mandated reporting expectations can stifle this trust which has enabled intimate pastoral care – pastoral care which itself is a source of child protection that exists alongside the state system. Cole (1987) explains that the duty to report and the duty to keep confidential are sometimes in conflict and sometimes compatible. Cole stresses that it is the burden of the lawmakers to show that their challenge to religious freedom – *which the mandate to reporting is* – is the least restrictive means of meeting an important state interest – *which the welfare of children is*. (p.36). Mitchell (1987) closes her article by stressing the need for balance:

“Resolvers of the legal dilemma must proceed with informed concern for the children, *balanced* [emphasis mine] with sensitivity to the less perceptible values of free religious practice and the beneficence of effective ministries, and with appropriate humility concerning anyone's abilities either to judge or to effect a child's best interest.” (p. 825).

This is perhaps the most important point to be taken when considering the complex legal issues.

Common Threads Across the Articles

When stepping back and looking at legal, pastoral, and child welfare journal articles together, there are six themes that need to be considered. These themes are as follows:

1. Patterns of reporting behavior.
2. Specific factors influencing reporting behavior.
3. Communication between lawmakers, reporters, and child protection workers.

4. Confidentiality as a privilege.
5. Whether or not clergy are considered in the article.
6. The conflict between religious privilege and mandated reporting

The following table is intended to provide an overview of how the themes relate to specific articles and to each journal category.

TABLE 1:
Common Themes Across The Articles

JOURNAL CATEGORY	ARTICLE TITLE	1 reporting behavior	2 Specific factors influencing reporting decision	3 communication-law makers, reporters, and Child Protect..	4 confidentiality as privilege	5 Clergy included in study/article ?	6 Conflict between religious privilege and report.. requirements
Secular Child Welfare	Mandated reporter satisfaction with child protection: more good news for workers?	√		√			
Secular CW	Confidentiality revisited				√		
Secular Child Welfare	Reports of maltreatment from mandated and non-mandated reporters	√	√		√		
Secular Child Welfare	Report Decision-Making Patterns Among Mandated Child Abuse Reporters	√					
Secular Child Welfare	Professionals' adherence to mandatory child abuse reporting laws...	√	√				
Secular Child Welfare	Child abuse reporting: clergy perceptions	√	√	√	√	√	√
Christian Periodical	Confidentiality in the church: what the pastor knows and tells			√	√	√	√
Christian Periodical	Will your church be sued? How to anticipate and avoid lawsuits...			√	√	√	√
Pastoral Journal	When confessional walls have ears: the changing clergy privileged comm's law			√	√	√	√

Pastoral Journal	Child abuse reporting requirements: Liabilities and immunities for clergy				√	√	√
Pastoral Journal	Confidentiality and the pastoral minister: Duty, right, or privilege?			√	√	√	√
Pastoral Journal	Privileged communication for pastoral counseling: fact or fancy?		√		√	√	√
Pastoral Journal	Confidentiality and the duty to report abuse: A current case study			√	√	√	√
Legal Journal	A current church-state battleground: requiring clergy to report child abuse		√		√	√	√
Legal Journal	Religious confidentiality and the reporting of child abuse: A statutory and constitutional analysis		√	√	√	√	√
Legal Journal	Must clergy tell? Child abuse reporting requirements versus the clergy privilege and free exercise of religion			√	√	√	√

Patterns of reporting behavior are analyzed in five out of six child welfare articles.

They found that complicated factors, the level of communication with the child protection system itself, and confidentiality (as defined professionally and legally) were the central determinants of a reporter's decision. These three determinants are each addressed as issues in the child welfare journals, the pastoral care journals, and the legal journals. Interestingly, actual patterns of reporting behavior are looked at in the child welfare journals and not in the others. It is also worth noting that only one of the six child welfare articles specifically looked at the reporting behavior of clergy.

Specific Factors Influencing Reporting Decision are looked at in half of the child welfare journal articles (Giovanni, 1995; Kalichman et al., 1990; and Grossoehme, 1998),

one pastoral care journal article (Knapp and VandeCreek, 1985), and two legal journal articles (Cole, 1987; Mitchell, 1987.) What they all have in common is that the decision to report child abuse can, and often is, a complicated decision including a variety of factors. These factors can include the effectiveness and expected outcome of the report, the legal requirement to report, and the level of confidence that abuse actually has occurred. Of these articles some looked at clergy (Grossoehme, 1998; Knapp and VandeCreek, 1985; Cole, 1987; and Mitchell, 1987). These included discussion of the conflict between the mandate to report and the clergy-privilege as a factor effecting the decision. It's interesting to note that Grossoehme, Cole, and Mitchell all stressed that lack of clarity in the state statutes defining mandated reporting and defining clergy privilege is a problem clergy face.

Communication Between Lawmakers, Reporters, and Child Protection Workers is the next issue. Many of the above studies from child welfare journals collect and analyze data on the reporting behavior and decision making patterns of reporters – mandated and non-mandated. This research shows that the situation is complicated, and that there are many things that need to be improved. It is fair to assume that communication between lawmakers, those mandated to report, and the child protection system is one key facet of how this is to be addressed. And yet, while this is implied in all of the six of the child welfare journal articles cited, it is only directly addressed in one (Compaan et al., 1997). It appears that the researchers and scholars need to address the issue of communication more intentionally.

Many of the pastoral care journals (Audette, 1998; Taylor, 1997; Bullis, 1990; and MacDonald et al., 1993) deal with one aspect of communication – the need for clergy

to be informed and educated about their state's mandatory reporting laws and clergy-privilege laws. What these articles don't answer is how this can be improved.

Regardless of who is responsible for this, better communication between those who make the laws and those who must follow them is needed.

Two of the legal articles address this need for communication. According to Cole (1987) state lawmakers need to both show that their challenge to religious freedom (a constitutional right) is the least restrictive means of improving the welfare of children (a state interest), and clarify how their laws apply to clergy. According to Mitchell (1987) there are various possible compromises that could be considered in the law making process that could reduce the threat to religious freedom and the trust people have with their clergy. Coming up with such compromises will require greater communication between lawmakers and clergy.

Confidentiality as privilege is the next issue. The two child welfare articles that do not look at clergy stress that confidentiality needs to be up to the client, with the exception of the cases where harm is intended (Giovannoni, 1995; Schwartz, 1989). Grossoehme's study of clergy found that 49% were willing to break the seal of the confessional for the sake of protecting someone. When considering the statutory (in Minnesota and other states) and constitutional support for the religious privilege, it appears that many may be making a decision they consider to be ethical while simultaneously making one that may be illegal. It would be interesting to talk to the clergy who fit into that 49%, find out what the Ohio statute says, and see if that would change their willingness to violate the confessional.

Whether or not clergy are considered in the study is important. As already stated, many of the child welfare studies include document a wide cross section of reporters as participants (Compaan et al., 1997; Giovanni, 1995; Zellman, 1990), and not one of these studies includes clergy. Why? The studies would be more complicated. Clergy are faced with mandates to report or not to report that can be in direct conflict. These are often vague and leave much room for interpretation. If any of these studies were to be repeated *including clergy* and again looked at whether or not reporters are legally required to report (Zellman, 1990), there might be very different findings. One child welfare article (Grossoehme, 1998), all of the pastoral care journal articles, and all of the legal journal articles directly focus on clergy. These articles directly deal with the conflict clergy face between religious privilege and mandated reporting.

Conflict between religious privilege and mandated reporting is the key issue. Many of the articles in this literature review (primarily the child welfare articles) analyze mandated reporting, and the patterns of reports and thought processes that lead to the decisions to report. Many of the articles in this literature review (primarily the pastoral care and legal articles) deal with the ethics and legality of confidentiality, and its tension and conflict with the mandate to report.

Only one article (Mitchell, 1987) clearly puts the legal conflict into the complex ethical context. Reporting can help by leading to effective interventions. It can also cause harm. Choosing not to report also can help by maintaining the centuries old trust in confession that leads to healing and behavior change. It also can cause harm by enabling abuse to continue. Lawmakers need to consider the benefits and drawbacks of each: a mandate to report *and* a legal exemption for clergy from that mandate.

Only one article (Grossoehme, 1998) looks directly at both the pattern of reporting seen in clergy as well as the conflict between religious privilege and reporting requirements. According to Grossoehme, and based on his own literature review, no assessment of clergy awareness of key issues has been published. This needs to happen on various levels – local, statewide, and national.

Findings and Limitations In The Literature

Which comes first? There seems to be little question that the religious privilege is not to be taken lightly, and that the protection of children is not to be taken lightly. On the other hand, there is not agreement as to which one comes first. Audette (1998) says very strictly that clergy are never to violate the centuries old confessional with its eternal implications. Taylor (1997) says there must be a balance, and that the clergy-penitent confidentiality is not an absolute privilege. Grossoehme's finding (1998) is that while many clergy prompt the penitent to report their abuse themselves, 49% would violate the confessional and put a priority on the well-being of children. Much more discussion and clarity about why each decision is made is needed.

What does the law say? Seven of the articles directly talk about the statutory basis for confidentiality (Schwartz, 1989; Audette, 1998; Hill and Li, 1990; Taylor, 1997; Bullis, 1990; Grossoehme, 1998; and Knapp and VandeCreek, 1985). The common message is that it is going to be different in each state. Taylor also stresses the importance of being aware of these statutes and their implications (Taylor, 1997.) One thing that is apparent in analyzing the Minnesota statutes in light of these articles is that the client is apparently supposed to be in control – not the clergy. (Simultaneously some of the phrases in this law are abstract and leave room for interpretation.) According to

Minnesota statute 595.021c, the consent of the person is required. (*Note: When random calls were made to child protection intake at two different Minnesota counties, a lack of clarity was apparent and acknowledged. Neither of the social workers knew the details of this statute and neither of them could access it on the date they were contacted. Both of them thought that it was up to the clergy to decide what to report. This appears to contradict the statute.*) Two articles also stress the constitutional basis for religious freedom as a strong support for confidentiality (Cole, 1987; Mitchell, 1987). This also needs to be considered.

The relationship between clergy and child protection workers needs to be explored. Grosseohme's survey (1998) found a variety of interpretations of mandated reporting among respondents, all of whom were from the same county. He stressed that communication and cooperation between community professionals and child protection could be improved. This study will directly explore how Lutheran clergy in Dakota County and child protection workers in Dakota County communicate and cooperate.

The Literature and The Objectives of This Study

Increased knowledge of the conflict between confidentiality and the mandate to report. Looking at table 1 will show that this objective is important. This overview of the literature shows that the conflict itself has not been greatly researched. The secular child welfare journals tend to focus on actual patterns of reporting behavior, but do not include clergy (and thus do not consider the conflict they face.) The pastoral journals include clergy and the conflict they face, but only one actually looks at their reporting behavior. We need more literature that considers both the reporting behavior of clergy

(including comparing that to the reporting behavior of other professionals) and how this behavior is influenced by their understanding of the mandate to report.

Assessment of the cooperation and communication between the two groups. The literature implies that this needs to be improved. Audette (1998), Taylor (1997), Bullis (1990), and MacDonald (1997) all stress the need for each minister to be educated about the legal mandate to report specific to their state. The secular child welfare articles do not deal with clergy and this means that none of the literature addresses how child welfare workers understand this complicated issue. Two of the legal articles (Mitchell, 1987; Cole, 1987) stressed the need for communication.

Increased knowledge of just what the law does say. The literature shows that lack of clarity in the laws is a problem clergy face (Grossoehme, 1998; Cole, 1987; Mitchel, 1987). The Minnesota statutes themselves are difficult to interpret.

Summary

Despite the extensive academic search completed, only one of the six articles found in journals directly relevant to child welfare focuses on clergy. While these articles do not have a geographically specific focus, they address issues and provide knowledge that is relevant to this study. It will be important to consider the complex issues they raise specifically in the context of the Minnesota statutes.

Chapter 3: Theoretical Framework

Introduction

Two theories are being used to assist this study. The first is an organizational theory known as the contingency theory. It says that an organization's effectiveness is dependent on its external environment. This is helpful if we think of child protection and the church as being in one another's environments. The second is the ecological systems theory. One key aspect of this theory is its concept of role. This will help give some clarity to the relationship between the church and the child protection system as both micro-systems and macro systems. On the micro-level, we can look closer at the role played by the pastor and the role played by the child protection worker.

The Contingency Theory

When focusing on the issue of child welfare, and the role that both the church and the child protection system play, the Contingency Theory is one way of analyzing the relevant facts and their relationships. Y. Hasenfield (1992) explained the contingency theory:

Viewing the organization as an open system, the importance of the environment and the technology on the structure of the organization are recognized. The fundamental assumption is that the effectiveness of the organization is a function of the congruency between its internal structure and the exigencies presented by the environment and technology. (p.29).

In the case of this study two systems are being dealt with. One is the church. As a macro level religious institution the church is an organization that can be understood as an open system. The other system is the child protection system. It also can be understood as an

open system. The key point this theory will make is that the child protection system and the church are in one another's environments. They influence one another, and the contingency theory is one way of explaining how they influence one another's effectiveness in a specific area - child welfare.

When looking at the church, and how it responds to child welfare, the contingency theory would have us look at its effectiveness as an organization, and how its internal structure relates to its environment and its technology. Generally speaking its internal structure is set up to respond to child abuse cases in one of two ways: to have the pastor respond to the child abuse without the involvement of the child protection system, or to involve the child protection system. The child protection system, as a part of the church's environment, does influence how child abuse is handled. This may come from county policies or state laws and the pastor may have knowledge of the specific legal definitions of mandated reporting and clergy-privilege in her state. The pastor may also have knowledge of the local child protection agency, its effectiveness, whether or not it has helped families in the past, and what kind of response actually occurs when reports are made. These specific environmental issues will influence the decision to report or not to report, and ultimately effect how the church handles child abuse in general. Many internal factors have a direct influence on how child abuse is handled - the sacredness of the confessional, the pastor's training in family counseling, and the pastor's training in child abuse. Externally, however, the local child protection agency (and its reputation) is a key environmental factor.

The child protection system has one central purpose – to respond to child abuse. Depending on the community, the resources available, and its leadership the local child

protection agency will have different kinds of responses and varying degrees of effectiveness. It is an open system in that it allows reports to come in from a variety of sources, it accepts funding, it is influenced by laws, it hires employees from the larger community, and it works with individuals, families, and other systems – legal, law enforcement, school, etc. It is closed in that information is treated as highly confidential, in most agencies only families with child abuse issues are eligible for services, and often only specific service providers are worked with.

The contingency theory would have us look at the child protection system's effectiveness as an organization, and how its internal structure relates to its environment. Its internal structure is set up to respond to child abuse cases in many organized and coordinated ways. Its environment influences what reports come in, what resources are available, what kind of relationship they have with the families they work with, etc. The church is a part of this environment. The church directly influences many families that the child protection system would be concerned about. It influences family relationships by providing values, spiritual support, counseling, and community. It directly addresses child welfare concerns with many families. Sometimes it does report child abuse to the child protection system, other times it does not. Sometimes its view of how to address child abuse is very different from the child protection system's view. These factors in turn effect the child protection system by determining what is reported and by influencing how families themselves respond to child protection.

The Ecological Systems Theory

This theory is important because it gives us the flexibility to think of the systems involved – the church and child protection - on both micro and macro levels. (*The*

contingency theory is an organizational theory, is primarily used on a macro-level, and does not directly address the effects of environmental changes on the system.) In a system, the concept of *role* deals with "...the expected behavior of a person occupying a particular...position in a social system" (Compton and Galaway, 1989, p. 132).

On the micro-level, we can look closer at the role played by the child protection worker and the role played by the pastor. This will help give some clarity to the relationship between the church and the child protection system as *both* micro-systems and macro systems. The role played by an individual, within a micro system, is influenced by the larger system's "...established rules, patterns, and expectations for this particular role within the smaller system." (Compton and Galaway, 1989, p. 132). The role of the child protection worker - in the context of information being reported to a child protection agency - is to receive the information and determine how to respond. The specific rules and expectations will be different from one county to the next and from one state to the next. In this context the rules and expectations defining the role of the pastor may be more complex. The pastor's role may be to report. The pastor's role may be to hold confidentiality and to not report. The specific rules and expectations may be defined by mandated reporting statutes, clergy privilege statutes, the expectations of a denomination, an individual pastors education and experience, etc.

When discussing the findings from the interviews in this study, the use of these two theories will be of benefit. The Contingency Theory will help us to structure how we think about the church and the child protection systems as macro-level systems, and as organizations, that influence one another. The Ecological Systems Theory, with its

Chapter 4: Methodology

This chapter begins with a brief explanation of how the recruitment process occurred and a brief description of the study sample.

Key Definitions

Mandated reporting. This refers to the legal requirements placed on professionals who work with children to report child abuse and neglect. Each state has its own laws that articulate the legal mandate to report child abuse. Who must report, what must be reported, when it must be reported, and what exceptions there are to this legal mandate, are different in each state. In Minnesota the Department of Human Services provides a publication titled A Resource Guide For Mandated Reporters (1997) which says “If you work with children and/or families you are legally required to report suspected abuse or neglect.” This guide provides a copy of the Minnesota Statute which specifies who must report what and when. This is statute 626.556. (*Note: Subdivision 3.2 of this statute says a person is mandated to report if that person is “employed as a member of the clergy and received the information while engaged in ministerial duties.”*)

Clergy Privilege. Each state has its own statutes regarding what is known as “The Clergy Privilege” (Mitchell, 1987). “Clergy privileged communications are those disclosures from clients to clergy, by word or writing, that are exempted from being offered as evidence in court.” (Bullis, 1990, p.76). This also refers to the conditions under which clergy are exempted from the legal mandate to report child abuse. Depending on what faith background one comes from this may also be known as clergy-penitent, clergy-client, or priest-penitent privilege (Hill and Li, 1990). In Minnesota this is explained in detail in statute 295.02, Subd. 1c.

Confession (*As defined in Lutheran tradition*) Minnesota statute 295.02, subdivision 1c, very concisely mandates that a pastor cannot "...disclose a confession made...in the course of the discipline enjoined by the rules..." of the specific church to which she belongs. The Book of Concord, a compilation of the central teachings of Martin Luther, and the Manual on the Liturgy of the Lutheran Book of Worship are used today and are the sources of the Lutheran understanding of confession. Confession, with confidentiality supported by tradition, says that based in faith the person truly admits their sin to God through the pastor, truly receives forgiveness, and as a result both has a relieved conscience and a change in actual behavior.

Recruitment Process and Sampling Criteria

As described in the chapter on methodology, the recruitment process for pastors was done with individual letters mailed to each pastor. The sampling criteria was that they serve the Evangelical Lutheran Church of America, and that their congregations be located in Dakota County. Letters were sent to 45 pastors.

Over a period of three weeks 12 pastors responded with phone calls. Six indicating that they were not willing to be interviewed and six indicating that they were willing to be interviewed. Interviews were scheduled and held in the location of the pastor's choice, and ranged from forty-five minutes to two hours.

Four of the pastors are male and two were female. All are Caucasian.

Three have been in ministry for over twenty years, two have been in ministry five to ten years, and one has been in ministry for two years. Four serve with other pastors and two serve without other pastors. The congregations they serve range from three-hundred members to six-thousand members.

The recruitment process for child protection workers was done with a form solicitation. The sampling criteria was that they be employees of Dakota County and serve as part of the child protection system. Various professional roles were included - assessment, intake, supervision, ongoing case-management.

Over a period of four weeks, two child protection professionals had responded and one had been interviewed. Over the following six weeks interviews became possible with snowballing. The first person interviewed encouraged the next person interviewed, and so on. After three months four had been interviewed.

There were two exceptions. The first was a child protection worker who was prompted to call me by one of the pastors interviewed. These two professionals - one clergy and one child protection - work closely together. The second exception occurred with a child protection worker who cancelled two times. Several weeks later she contacted me on her own. She was apologetic for canceling and scheduled a third time to meet. I openly explained that I was very busy - since the school year was wrapping up - and close to completing my first thesis draft. I said that even though this was the case, I was still very interested, thankful that she had called, and willing to take the time to meet with her. On this occasion she did not appear at the location agreed upon. I waited fifteen minutes and then called. She would not get on the phone and had her partner take a message. When I called one hour later, she hung up the phone.

Four of the child protection workers are female and one is male. All are Caucasian. Two have been in the child protection over twenty years, one for over fifteen years, and one for over five years.

In summary, while all of the eleven people interviewed had relevant information, nine started out by expressing their perception that they would not. Only two were confident that they would be able to answer the questions. Although there are varying degrees of experience represented in this sample, its interesting that such a large percentage did not feel confident speaking to this issue.

Study Design

In this qualitative study an intensive interview was conducted with six pastors from the St. Paul Area Synod of the Evangelical Lutheran Church in America and with five child protection workers from Dakota County. (A detailed copy of the interview guide is found in Appendix G.) The data was then analyzed.

Study Population

The study population is comprised of two groups. One group, child protection workers, receives information from mandated reporters. The other group, clergy, are mandated to report child abuse to the child protection workers. Since child protection services vary from one county to the next, the focus is on just one county. Since the role of clergy can vary from one denomination to the next, the focus is on one denomination.

Measurement Issues

Systematic Error “...occurs when the information we collect reflects a false picture of the concept we seek to measure, either because of the way we collect the data or the dynamics of those providing the data.” (Rubin and Babbie, 1990, p.161). Two things that are key aspects of systematic error, and central to avoiding it, are an awareness of bias and the use of triangulation.

Biases cannot be avoided, the need to be acknowledged and minimized as much as possible. The key biases in this research that will come into play will be addressed here. First, this researcher’s bias, or opinions, regarding the content of the research can not be taken away. They will, however, be minimized by the researchers intentional use of neutral communication – both verbal and non-verbal.

Second, the biases of the specific groups being interviewed can be viewed as a cultural bias. This is specifically being considered from the viewpoint that worldview, or religious beliefs, are an aspect of culture. One group (clergy) are religious, and view the world, their place in the world, the effect of their actions on the world, and how society fits together in terms of their religion. The other group (child protection workers) have a secular code of ethics.

Lastly, social desirability bias, describes “...the tendency of people to say or to do things that will make them...look good.” (Rubin and Babbie, 1997, p.162). This “...is especially true if they are being interviewed in a face to face situation.” (p.163). It will be important that unobtrusive observation, observation that is done so that the person being observed “...is not keenly aware that observations are occurring” (p.171) be used.

Use of triangulation to avoid systematic error will be very important. Rubin and Babbie define triangulation as dealing with systematic error by "...using several different research methods to collect the same information" (p.171). Patton (1990) takes this a bit further by giving specific methods of triangulation that also deal with how information is analyzed. The methods of triangulation that this researcher will use are "Comparing observational data with interview data."

Reliability is defined by Rubin and Babbie (1997) as "A particular technique, applied repeatedly to the same object, [which] would yield the same results each time" (p. 174). As seen in the interview guide provided below, there are two things that are intended to increase reliability. The first is the type of interview. It is a pre-determined guide, and will be administered using the same wording and the same sequencing of questions from one respondent to the next (Rubin and Babbie, 1990). The second thing that should enhance reliability is the fact that each of the interview questions is to be repeated. After each person being interviewed has no more to say, they will each be requested to answer the same question in as few words as possible.

Validity is defined by Rubin and Babbie as "the extent to which an empirical measure reflects the *real meaning* of the concept under consideration" (1997.)

Empirical validity means we need evidence. Another type of validity is content validity. This type "...refers to the degree to which a measure covers the range of meanings included within [a] concept." (Rubin and Babbie, 1990, p.178).

It is intended that these measurement error issues will be reduced by the structured interview guide and the data analysis methods based in triangulation.

Data Collection

The data was recorded by hand, with care given to detail and accuracy of quotes. The information was categorized by question and by theme. Each time something was found to be present in three or more of the interviews, it was noted as a theme. The findings in the following chapter were based on these themes found within the data.

Data Analysis

Triangulation is going to be a key aspect of data analysis. First, observations will be compared to the content of data provided. Second, each question is to be repeated, the second time requiring a concise answer. These concise responses will be compared to each other, across respondents, and also to the in-depth response given by the same person.

Protection of Human Subjects

There are two things that will be done to protect those who will be interviewed. No names of participants will be publicized. Although names will be needed to coordinate interviews, and while names will be used in the data analysis, this will be done carefully. Second, everyone will be told who the study population is comprised of. They will each be given the right to control what parts of their personal information is included in the final report. The Lutheran clergy will be told that child protection workers from Dakota County will also be participating, and vice versa. If one person does not want information from their interview included in the information that is made public, this will be honored.

Chapter 5:

Findings

Overview

Throughout these findings the pastors and child protection workers who participated will be quoted. I will codify these interviewees with a letter and number following each quote. There are six pastors who were interviewed, and the codes will range from P1 to P6. There are five child protection workers, and the codes will range from C1 to C5.

These findings will be organized by question. The first question addresses mandated reporting. The second interview question addresses the clergy privilege. It's important to keep in mind that there is a direct relationship between mandated reporting and clergy-privilege. The interviewees often spoke of clergy as mandated reporters while simultaneously speaking of the clergy privilege. It's very difficult to speak about one without speaking of the other. In response, the findings that clearly tie mandated reporting and the clergy privilege together will be addressed in their own section. The last question addresses a macro-level systems issue: the relationship between the child protection system and the church.

Findings Related to Research Question One

Definition of Mandated Reporting. The child protection workers and clergy had a consistent understanding of a basic definition for mandated reporting. During the interviews I intentionally did not provide a definition or input toward a definition. When considering who is mandated to report, there were three variations. First, all of the child protection workers, and four of the pastors clearly defined a list of professionals in public roles as mandated reporters. This consistently included teachers, social workers,

psychologists, clergy, day care providers, and law enforcement personnel (P2, P4, P5, P6). Second, two of the pastors did not see clergy as mandated to report (P1, P3). In their view, they simply were not mandated. Last, three of the child protection workers, although understanding a strict definition, made strong statements that anyone should report child abuse or neglect regardless of their relationship (C1, C3, C5). One stated that the law should be changed to include all people, at all times - including taking away the clergy privilege (C1).

When considering what needs to be reported, the child protection workers had clear understandings of physical, sexual, and emotional abuse, and neglect. They all spoke about how emotional abuse and neglect can sometimes be a gray area depending on the situation. The clergy interviewed were less consistent. Four out of six named physical, sexual, emotional abuse, and neglect, and discussed gray areas (P2, P4, P5, P6). Two said that it was only physical or sexual abuse (P1, P3).

Understanding of The Reporting Process. When considering how reporting is to be done, the child protection workers consistently understood how it works in Dakota County. Three of the clergy knew exactly what number to call and had written information (P1, P5, P6). One had a general idea and was confident of how to access child protection (P4). Two did not know how to access child protection (P2, P3).

When considering the role of intake workers, each of the Child Protection Workers spoke of the workers there who screen all the calls and who do a good job of providing guidance to those who call in. Two of these workers shared the perception, although not based on statistics, that approximately sixty-percent of cases opened are child protection, and forty-percent deal with child mental health and parent/child conflict

(C2, C3). One child protection worker, based on direct experience, said that approximately fifteen calls a year come in from clergy (C3). Out of roughly one-thousand opened cases a year, one or two are reported by clergy.

Four of the clergy did not know what to expect if they were to call (P1-P4) and two did (P5, P6). One expected that the intake worker would most likely not be helpful (P6). The other spoke about specific times he has reported and said that the intake worker provided guidance and this made the reporting process easier (P5).

Lack of consistency in understanding and behavior. The understanding of the clergy role as mandated reporters varied from one child protection worker to the next. One said "Clergy are supposed to be reporting suspected abuse, except stuff heard during ministerial duties that may be prohibited" (C2). When asked what was meant by that he said this was vague. He then used the Catholic Confession and "...perhaps a counseling situation with a family," as examples of ministerial duties.

The next child protection worker said she really didn't know just what the clergy role is in reporting. She said:

There was a minister who asked me if he was a mandated reporter and I did not know. We were going in circles and if I had known what to tell him maybe it would have made a difference. He ended up not reporting anything. I do not know legally where they fall. (C4)

She acknowledged that this is something she needs to learn more about.

The next child protection worker said that in her own experience she has had personal experience in the church, and knows that there is a dilemma for clergy. She said

that she understands clergy do not always have to report, but that she strongly believes everyone, including clergy, should have to report without exception (C1).

The last child protection worker interviewed also showed clear understanding that there were times when clergy did not have to report. She said that overall, however, she knows that clergy are mandated to report (C5).

The clergy themselves varied in understandings of their exact role. Four said they would have to report, and that they would (P2, P4, P5, P6). These four all acknowledged the clergy privilege as a gray area that is difficult to address. Among these four two said they would seek guidance (P2, P4), one said he would find out on his own what to do (P6), and the other said he already had substantial experience because a member of his congregation is a child protection worker (P5). Of the other two pastors interviewed, one said that in his own opinion, although he is not exactly sure, he is exempt from the mandate to report (P1). The other has put substantial thought into the dilemma (P3). He said that he now understands he is mandated to report, unless he learns of something in the context of confession.

The actual reporting behavior of clergy was seen by all four child protection workers as limited. One said that less than one percent of the reports that come in are made by clergy (C2). Another said that she gets most of her reports from the support staff who work with ordained clergy (i.e. youth directors, Sunday school teachers) and not from clergy themselves (C3). Another said that clergy seem reluctant to report and that very few reports come in each year (C4). The last child protection worker said that clergy simply don't understand mandated reporting and take on much more than they should on their own (C1).

The pastors interviewed varied in their experience with actually reporting. Four of them have no experience with reporting. Two of these four have been in ministry for over fifteen years. The other two pastors have reported. One spoke about the negative experience he has had with three different counties. He said that it makes a big difference when he knows someone who he trusts within the county system, since in the past he has experienced two different scenarios. One, he makes the call and is spoken to disrespectfully. He hangs up feeling like he has been scolded for calling in with something. Two, he makes a report, an intervention is done and it tears the family apart. Because of this experience he is very reluctant to call and does not trust the child protection system (P6). The other pastor who has reported said that he has found the intake workers very helpful. He does call in even when he is unsure because he knows the person who answers the phone will help him discern whether or not to report. He also said that he gets a substantial amount a guidance from the child protection workers he calls regarding how he can help a given family in his role as a pastor (P5).

Findings Related to Research Question Two

Definition of Clergy-Privilege. Among the child protection workers, all five understood it to mean that the pastor has the right to not report something because confidentiality is expected. Two of them did not have specific thoughts about when this applies. Two said that this right only applies when something is obtained during the confession (C1, C3). One of them defined confession as when "a person is one on one with a pastor admitting a sin," and the other did not know what confession really is about. The fifth child protection worker said that the clergy-privilege applies to anything that is obtained during "ministerial duties." He said this could be the Catholic confession, or

possibly something during family counseling. He stressed that this is up to the given religion, as there are many different beliefs and a significant amount of spiritual diversity in Dakota County (C2).

Among the pastors, there was consistent understanding that clergy-privilege means the right to keep things confidential. When it applies is understood quite differently from one pastor to the next. One pastor said that the clergy privilege applies at all times. He said he has the right to keep "anything and everything confidential" (P3). Three of the six pastors spoke in some depth about the different roles they play, and that their right to keep something confidential would depend on the given situation and just what role they had at that time. One gave a spectrum of levels of "contract." He defined this as "the degree to which confidentiality is expected." His examples went from meeting in the hall, to teaching in a class, to counseling, to confession and absolution (the forgiveness of sins.) He said that the higher the level of contract - with confession being the highest - the higher the degree of clergy privilege (P6).

Five of the six mentioned confession as a time when the clergy privilege applies. Their understandings of confession, however, varied. Two referred to the "sanctity" of the confession as the very reason the clergy privilege exists (P1, P6). One said, "theologically I can define confession as something told with the expectation of clergy confidentiality" (P2). Two specified that confession is when forgiveness is expected as the outcome of the interaction in which something is shared (P4, P5). They both said that when in the context of confession, something is told that is very serious - sexual abuse, recent violence - and the person making the confession is contrite, how to respond

becomes difficult to assess. As will be noted in the next section, confession may be the time when the moral dilemma is greatest.

Understanding of Legal Basis for Clergy-Privilege. Among the five child protection workers, there was some variation in understanding the legal basis for the clergy-privilege. As cited in the literature review there is one Minnesota statute directly addressing mandated reporting, and another directly addressing the clergy-privilege. Only one child protection worker was aware of both statutes (C3). After each qualitative interview the specifics of these statutes were made available and discussed. One talked about a time she didn't know what to tell a pastor. Reflecting on this situation she said "I have not yet known legally where they (*pastors*) fall" (C4). Another understood clergy-privilege specifically in the context of mandated reporting laws and was surprised to here about a separate statute specific to clergy-privilege (C5). One saw clergy privilege as God appointed, and coming from the authority of the church, not a state law (C1).

One child protection worker's response to the statutes is worth quoting. She read through both statutes, and then pointed out the difference between the words "confess" and "examine" found in the statute on the clergy-privilege (quoted on page four above.) Her interpretation of this statute is that the first half is specifically looking at the sacrament of confession and does not necessarily apply to any other situation. To quote the statute, this is what the minister "...shall not, without the consent of the party making the confession, be allowed to disclose." She thinks that this legal requirement to *not disclose*, does not apply to information gained when the minister is in any role other than confession. (C3)

Her interpretation does appear to have merit. During this first half of the statute, just who the professional is appears to be left open by this law. The statute here refers to "...clergy *or* minister of any religion." The law also does not define exactly what the confession is. Instead, this is to be defined by "... the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs." What is specific and remains consistent, is this statute's requirement that a pastor not "...disclose a confession."

This child protection worker, however, said that things are different in the second half of the statute. Here the focus is on "examination." Her understanding is that "examination" refers to being examined in court, answering questions asked by law enforcement officers or attorneys, and to any other situation in which a third party - someone other than the parishioner - initiates contact with the clergy. Her interpretation is that this applies to information gained in many more contexts of the minister's work. The statute, speaking generally, refers to anything "...in the course of the member of the clergy's or other minister's professional character." This part of the statute is broad. It is applied to *any* communication, to *any* religion, and to *any* person "...seeking religious or spiritual advice, aid, or comfort." Keep in mind, that this does not deal with a pastor initiating contact and making a report. That is left to the first half of the statute, which clearly focuses on confession.

It's also important to note that this child protection worker stressed that this statute leaves some areas gray on purpose. The statute refers to confession in the context of "...the rules or practice of the religious body to which the member of the clergy or other minister belongs." That is certainly general and these rules and practices will be different

from one denomination to the next, from one church to the next, and from one religion to the next. She said that this gray area was likely left in here intentionally by legislators. If they were required to specify the rules and regulations of each and every religious organization, and then how each defines confession, that would have been pages and pages of legislation. This way, each minister who is effected by this statute, can respond based on the specific rules and regulations of their own religious organization and the resulting definition of confession. This way the state leaves room for the clergy-privilege without telling each religion how it is supposed to define its own confession.

Among the pastors interviewed, none were aware of the separate statute that defines the clergy-privilege. What is most important to note, is that the pastors were surprised to read that the consent of the person is required in the context of confession. While being interviewed most had spoken of the clergy-privilege of keeping things confidential, as something they are allowed to do by their choice. No one had shown an accurate understanding of the statute's statement that they can not disclose information without their parishioner's consent. It had been understood as a right to remain silent, rather than a legal requirement to do so.

Willingness To Violate. Each pastor at some point indicated a willingness to report, depending on the given situation. I noted two things. First, there are varying degrees of willingness to report. On one end of this spectrum we have a very limited degree to which the pastor would report. On the other end, the pastor is very open to making a report. Second, I noted varying degrees of complexity involved in the decision to report or not. On one end of this spectrum, the thought process is straight-forward and

basic. On the other end, many different factors are considered, each in some depth, with the dilemma being very present in the pastor's mind.

Two of the pastors said that they would not be violating anything by making a report. They both see the clergy privilege as a right and not a requirement (P1, P3).

The next said she would report because "...clergy privilege ought not prevent pastor's from reporting." With significant anxiety in her voice, however, she said "If I reported, and child protection were to tear a family apart, that would be just awful." She spoke in some depth about how she would hold herself responsible if that were to happen (P4).

The next pastor interviewed has had positive experience with the child protection system. He said:

Reporting is good. If I were in a counseling situation where confidence was expected, if someone came and reported abuse they committed I would have to report, although that could be sticky. In the context of confession of forgiveness, however, I have colleagues and don't bear the burden alone. If the confessor is contrite, if they know they're wrong...I would tell them to change and do things differently. If it continues I would have to report that. If it seems they won't change, I probably would report that. (P5)

He stressed, however, that if a situation of abuse is ongoing, and there is still danger, he needs to report this to the authorities. He said that while he has reported and worked with child protection, he has not had to handle this sort of decision alone.

Another pastor said "Mandated reporting and the clergy privilege are opposed. If the situation was clear, however, I would violate the confession and report." She pointed out effects that this could have. She said that mandated reporting always screws up the pastoral relationship at some point, and she said that this is a real dilemma. She seemed to be looking at the other side of the coin, however, when she said "...reporting challenges a person to change." She did not appear to be showing reluctance to report, but extreme carefulness, recognizing both the harm and good that can come (P2).

The last pastor to note indicates both reluctance and willingness to report. He knows that he would report if not reporting would clearly hurt someone. He would definitely think through details before reporting, and the higher the sacredness of the situation, the higher the dilemma, and the higher the chance of him keeping the privilege and not reporting. He stressed however, that this does not mean he would do nothing. In a serious situation he has two strategies of getting a report in without violating the privilege: he gets a larger network of professionals involved and has them do the reporting, or he has the parishioner report on them self (P6).

While each has a willingness to violate the confession, there are different levels of depth of considering the dilemma and different levels of experience with actually reporting. This will be addressed in the next section under the subheading dilemma.

The Findings that Tie the Two Together

Trust. All six of the clergy interviewed acknowledged that trust is a big factor. The relationship a pastor has with a family is trust based and often intimate. This plays a central part in their reporting behavior.

One pastor said that trust in his pastoral relationships is the very reason he has never reported (P3). Two other pastors spoke in detail about the pastoral relationship. It's a multi-level relationship, with the pastor has multiple roles with the same person simultaneously. They both talked about the violation of trust and the benefit a pastoral relationship can have if trust is not violated. They both talked about the long term nature of their relationship with a parishioner, and often with that parishioner's entire family (P5, P6). Violating that person's trust, is thus essentially equivalent to violating that family's trust.

One of the child protection workers noted that in her experience, she thinks pastors place the sanctity of the family first, and that reporting suspecting abuse violates that family's trust (C1). Another child protection worker spoke of a way that a pastor can get child protection involved without violating the trust of the pastoral relationship. She said she has known pastors who have the client report themselves (C3).

Trust of the child protection system itself is also important. The pastor who has a child protection worker in his congregation, has experience calling in, has established trust with the screeners who answer the phone, and trusts the system (P5). One pastor pointed out having someone he trusts on the inside of the child protection system makes a big difference (P6). Two of the pastors who have not reported, are willing to do so and stress that this is because they trust the child protection system (P1, P3).

Education and Support. Among the child protection workers one stressed that in general she perceives clergy being addressed differently than other mandated reporters when it comes to education. She said:

We educate teachers, etc. but I have never seen clergy being addressed. We focus on where the kids are seen most, school, medical settings, and less on clergy. Dakota County needs to reach out more to clergy, telling them what we are and what we are not. (P5)

This is an important observation.

At the same time, three of the child protection workers pointed out the annual seminar for mandated reporters which takes place at a church (C2, C3, C4). One explained that this has happened a couple times and he said "it is intended for clergy and it is a chance to ask specific questions" (C2). Another child protection worker referred to this as their "Annual Mandated Reporting Workshop" (C3). She said they have done this twice, once it was presented to the Dakota County Ministerial association, and there were more youth directors than ordained clergy present. She said that the key message she wants to get across at these workshops is that clergy need to call even if they just suspect something.

All but one of the child protection workers talked about clergy as mandated reporters as if this were common knowledge. Clergy were included among the list of mandated reporters they gave out. The one who did not speak this way, stated "this was not part of our training. We were always told about teachers and doctors, but not about clergy" (C5).

All six pastors spoke to the lack of education in seminary. One said "There was not much of anything in seminary" (P3). Two spoke in detail. One strongly said "In four years of seminary and one full year of clinical pastoral education they never talked about it!" (P6) The other said that in all of her pastoral care classes in seminary this was never addressed and that she sees this as something that needs to change (P4).

One of the child protection workers and four of the pastors spoke specifically about many clergy working without support. They are often isolated and two used the descriptive title "lone rangers." The child protection worker said "I don't think clergy understand...teachers can talk together and decide whether or not to report and doctors can network" (C4). Among the pastors three said with clarity that in their experience, they do not have support from other pastors because they don't see them (P1, P2, P3.) Two of the pastor's, however, did talk about support from other pastors and stressed how helpful this is (P4, P5). It's important to note that these two pastors each work in very large church's (with three to six thousand members) with large staff's of ordained clergy. They have the support right there in their own office.

The Dilemma Faced By Clergy. Among the five child protection workers interviewed, only two talked about any sort of dilemma that clergy face. The other three simply didn't show any recognition that there is a dilemma. One of the child protection workers showed clear acknowledgment of the dilemma. She said it is a tension between law versus ethics, between the mandate to report and the expectation of confidentiality. She was to the point, however, and spoke about the dilemma without any recognition of complexity. She said:

"When clergy call we ask for clarification, but I've never had a priest say that it's come from a confessional. As clergy, you could have a parishioner report on themselves. Most clergy are skilled enough to get their parishioner connected with child protection without violating the clergy privilege." (C3)

She pointed out a solution clergy could use, and spoke as if confessional is the only time there might be a dilemma (C3).

The other child protection worker who recognized the dilemma had an in depth, sometimes abstract discussion during the interview. She reflected on the clergy interpersonal conflict, how the dilemma itself might be different from one denomination to the next, and several times came back to the importance of the relationship between God and the parishioner as the real crux of the dilemma. She explained:

I was raised Catholic. Whatever I told the priest was kept there and would go no further. But in TV and readings, I have seen the emotional and personal conflict and dilemma of the priest. For example when a murder is committed. The religion says one thing, while the morals of him as a man say another. (C4)

She showed recognition of this dilemma when she talked about how she can say "yes" - that she understands the dilemma - while simultaneously saying just the opposite - "How can you not report it!" (C4)

Among the six pastors who participated two did not see any dilemma, three talked about the dilemma, and one was in the middle. The two who did not see any dilemma did not say it would be easy, but they did say it would be clear. The first said "it depends on the situation, but when necessary I know I would report" (P5). The other said "it's stressful, especially when it's a family I know well, but I know that I still would report" (P6).

The one who was in the middle clearly recognized two sides of a dilemma. On the one hand, if she reports, and it does more harm than good she would hold herself responsible. For her this centers on the actual affect reporting would have on the family, and not on the ethics of the clergy privilege itself. The other side of her dilemma is the importance of a child's safety, and this is something that is the priority. She clearly has no trouble seeing safety as more important than the sanctity of confessional. For her, this simply is not the dilemma. She struggles with the possibility that child protection itself would do more harm than good (P4).

The three pastors who did see and actually struggle with a dilemma, were different from the above pastor in two ways. First, they spoke of the dilemma with a level of complexity that shows more than one dilemma. Second, they do struggle with the dilemma between the legal requirement of mandated reporting, and the ethics that are intertwined with the clergy-privilege. The first one said that while he trusts the child protection system, the more a situation has to do with confession and forgiveness,

especially when a person specifically names the expectation of confidentiality - then it becomes a dilemma. He said:

In a situation of counseling, when confidence is expected, I will keep it confidential. If someone comes in and reports abuse they committed I will have to report it. In a situation of confession and forgiveness however, it could be sticky. If the person is contrite and repentant, I would work with them on changing and doing things differently. If it seemed they would change I would probably not report. But if it continues I would have to report. (P5)

He then continued by showing real concern about the safety issues that are intertwined:

Look at the example of the confession of the murder that was committed thirty years ago. The pastor worked with him until he was ready to turn himself in. But if something is ongoing, if abuse is still ongoing, there is real danger! I would have to report! (P5)

I then asked him what he would do if the above parishioner said "Hey I thought this confession was confidential!" He responded by saying he would have to give that more thought. It's interesting to note that such a struggle is not something he has yet experienced, but he has given it some thought. An important point he made, that should not be overlooked, is that he has colleagues on staff with him that he can receive support and direction from. He said "That support helps, I don't have to bare this burden alone" (P5).

The next pastor spoke with clear concern about the importance of the pastoral relationship, the trust that is there, and the sanctity of the confession. She sees mandated reporting and the clergy privilege as "opposed" because mandated reporting "...screws up

the pastoral relationship at some point." While she is troubled by this, she said "Ultimately I would violate the confessional and report. While this dilemma is here, this would be my action." She pointed out that she is thinking hypothetically, as this is something she has not yet experienced. At the same time she spoke with a level of confidence about the reality of the dilemma and her willingness to violate the confession if a child is at risk (P2).

The last pastor interviewed sees it as a *big* dilemma. While he is willing to break the clergy privilege (and has before) if he knows someone will be hurt otherwise, this is not something he takes lightly. There are two aspects of the dilemma for him. The first has to do with his relationship with the child protection system. Generally, he does not trust the child protection system. He bases this on two decades of experience, having made many reports in three different counties, and having had many situations that were negative and clearly not helpful for the families he reported. One county he used to work in led him to not trust the system. He said making a report was like calling "paper pushers." Nothing would happen. In Dakota county he has been extremely frustrated. The first time he called he was told "...go back and find your stuff out." He responded by saying "I thought *you* did the investigation." They told him that more basic data is needed. He told them that he already knew it was an open case in a bordering county and that the family had just moved to Dakota. He called more than once on this case and they "...just kept pushing it off." He also said that they did nothing to educate him and he wondered "why did I bothering calling?" He began speaking reflectively and said:

I don't think child protection workers understand how tough it is. I may not be being fair, but this situation made me feel like if I called again I would not get any

help. I'm a lone ranger and don't have any support. Part of my bias comes from working with social workers who used to work in the system and who talk about how screwed up the system is. They talk about too much work with too little success. (P6)

He also acknowledged that he realizes there is a mandated reporting workshop for clergy in Dakota County, but that he often opens his mail two weeks after the fact. He takes responsibility for having missed this and sees how it would be beneficial.

The second part of the dilemma for him has to do with the pastoral relationship itself. He thinks about pastoral relationships using "...clinical language." He asks himself "What's my contract with this person?" Just meeting someone in the hall is the lowest level of contract; teaching in a class is the next level; counseling is the next level; and confession and absolution is the highest level of contract. The higher the level of contract, the higher the level of trust in the relationship and the higher the dilemma. He would really struggle in a confession situation in which abuse is confessed. He might take time to really think through the decision carefully, and experience significant anxiety after reporting.

He talked about the pastoral role and the confidence parishioners expect to be able to have in their relationship with a pastor. While he admits that part of his discomfort with reporting is that he - and most pastors - just plain like to be liked, this is not his greatest struggle. He struggles with the pastoral role itself. He presented this caricature of reporting:

Yeah...I'm your pastor, I'm like a shepherd, a caretaker, but I'm gonna sick the authorities on you after you come and make yourself vulnerable. You're gonna be

pissed off at me, my whole parish will be pissed off at me, and to top it off...what if I'm wrong and shouldn't have reported in the first place? (P6)

He explained how tough this is. While he sees that the privilege is "trumped" by the importance of keeping the safety of someone else, reporting is still hard because he is betraying the person and breaking the contract expectation.

It's important to note that while talking in depth about the importance of the pastoral relationship, he continuously cycled from one side of the dilemma to the other - clearly naming the importance of the clergy privilege while simultaneously acknowledging the importance of children's safety. In situations that involve a high level of contract, and which involve reports of abuse, he greatly struggles because one side of the dilemma does not simply negate the other.

He did talk about two solutions. One is to have the parishioner report themselves. He has done this and said:

I have them call with me right here. This is healthier and more proactive and it helps prevent them from being a victim of the system. This in and of itself, right from the very beginning of their contact with child protection, becomes a part of their healing. (P6)

He stressed that this has the benefit of giving the parishioner control and putting them in a stance of cooperation with child protection right from the start.

The other solution is to make a referral to a professional counselor. This is a bit more complex, and depends on the situation. If immediate safety concerns are not as severe, but help is clearly needed, he refers the parishioner to one of the many

professional counselors he knows are experienced with issues surrounding child abuse.

He said:

In my history, when I've made referrals, the parishioners have always followed through. There is a dynamic here. When they are ready to admit, and they've come to me in the first place, they're in a much better place to actually get help and change. (P6)

He gives the parishioner a short period of time to get connected with that counselor, and lets them know that if this does not happen he will make a report to child protection. He explained "my reasoning is that when you do this, you've entered the bigger system of professionals." He pointed out that they are equipped to assess what the family needs, and they are mandated reporters who don't experience the same dilemma that clergy do. These two solutions both have the potential of keeping the pastoral relationship intact, while simultaneously addressing the child protection concerns.

Findings Related to Research Question Three

This question asked people to step back and think on an organizational level. There are two clear findings. First, there are a variety of understandings of how the church and the child protection system relate to each other. Second, there are a variety of suggestions for what needs to be done to improve that relationship.

Understanding of the Relationship. The first view of the relationship is that it is non-existent. One pastor, who acknowledges having had no contact with child protection, and no need to report yet, said "There is a church-state nervousness. It's unfortunate, but we are afraid of crossing the boundary - in both directions" (P2).

The next view of the relationship is that there is opposition, clear lack of trust, and misunderstanding. Two child protection workers and two pastors fit into this category. One of the child protection workers said:

Now there is not a good relationship. I don't see the two working as a team.

Suspicion goes both ways - the church holds the myth that child protection breaks up families. Child protection holds the myth that the church protects families from the system. The church sees child protection as the state. Most child protection workers talk up the strength of the extended family, but unfortunately do not see that church as potentially part of a client's extended family. (C1)

She stressed that clergy and child protection workers are not teamed up well together. Its important to note that this child protection worker was married to a pastor. This experience has given her an inside perspective of both sides of the relationship between the two systems.

The other child protection worker said that most people are afraid of the child protection system. She said:

Those clients who come in and get their church involved right away are very skeptical of the system. The church means well, but too often it too - including the pastor- does not seem to trust us. They fear we will take the kids away. (C5)

She explained that because of this experience she has had, when a person comes in with their pastor it simply does not mean a whole lot to her right away. Often a client uses their pastor to make themselves look good. While there are some churches and pastors that do mean well, enough of them are involved in a role that is adversarial - protecting their parishioner from the system - that she usually starts out asking "Why is this church involved?"

The first pastor who spoke of a negative relationship focused on misunderstanding. She said "One is not quite sure what to do with the other. There is a clear lack of understanding. When it comes to the safety of children we are on the same page, but we each think that the other doesn't know how to do it right." She intentionally stressed that her perception that there is misunderstanding, is not to say that there is opposition (P4).

The other pastor who spoke of a negative relationship based this on a lack of trust. He does not trust the system for two reasons. First, he knows social workers personally who speak negatively about their experience as child protection workers. Second, as a mandated reporter he has been troubled by the negative response when he has reported. He spoke of an exception, but very strongly pointed out that this exception is not current. In the past, things have been better when he has had a relationship with one person on the

inside of the system. At this point, with Dakota County, he stresses that he does not trust them in part because no one there has made any real effort to form a relationship with him when he has called (P6).

The last view of the relationship is that of partnership. Two of the six pastors, and three of the five child protection workers, view the current relationship this way. Of the two pastors, one is basing this on limited direct experience with child protection, but with a lot of experience making referrals to professional social workers for counseling. He said "They are two arms of the same octopus. All are interested in the welfare of the family. There is no friction. It is a very mutual thing" (P1).

The other pastor is basing his view of partnership on very direct experience. This perception has grown in recent years since a child protection worker became a member of his congregation. He said:

Some pastors think 'they're out to get these people.' I've been there...fearful of the power of child protection. But they haven't had the experience I've had since a child protection worker joined my congregation. Now I know that I can call for advice. We are hand in hand and it is an asset to be involved with them. (P5)

He said that he can call for advice, that he has been asked by child protection workers to be involved (only when the client wants that), and that with the support and guidance of child protection they have developed a detailed "Safe Child" policy at his church. While he knows not all pastors see it this way, he has experienced a healthy relationship with child protection.

The first of the child protection workers who sees a positive relationship spoke about the important role the screeners play and then gave examples of church

involvement in a case. He said "There is usually a partnership. Our screeners provide direction." He said that when a pastor calls they usually are ready to make a report, but are offered guidance and education by the screeners as needed. He said it's rare that a pastor calls and says "I have this situation, but won't report." When this happens they ask "If this situation occurred during your ministerial duties," which the statute specifies, "and you're not going to report, how will you handle this situation?" He then gave an example of a child protection case in which a pastor was involved on an ongoing basis, not just as a reporter. He said "We had shared responsibility, everyone had ownership in the process, everyone was there with their sleeves rolled up focusing on a solution together and not pointing fingers at each other" (C2).

The next child protection worker who sees a positive relationship spoke about the common interest in healthy relationships. She said "The church focuses on families that have a healthy relationship with each other, and social services focuses on healthy relationship." She said that the two systems are working together and trying to serve the needs of families. She does not see a conflict since both are trying to serve the needs of families. She sees church members as "fringes of the child protection system." In her experience as a screener, she said that pastors call and she helps them develop an action plan and sometimes, not always, this may result in a child protection report. It's important to note that she talks about offering support and guidance to the pastors who call in, whether or not it ends up that they make a child protection report (C3).

The last child protection worker to see a positive relationship spoke about the church and child protection being a resource for each other. She said "When I used to do ongoing case management, one of the first questions I would ask was 'Are you affiliated

with a church?' The church has much to offer." She gave an example of one congregation that she frequently knows she can go to as a resource for her clients in that community. She stressed that this sort of reliance on the church is increasing (C4).

It's important to note, that each of those who fit into one of the categories above, was able to note exceptions to their view. They could give examples of situations that countered their view. Those who see a positive relationship overall, each gave examples of problems. Those who see a negative relationship overall, each gave examples of healthy situations.

What They See As Helpful Changes. There were many issues, problems, and areas of needed change pointed out. Some stand out as concrete, others of quite complex, interrelated with other issues, or even subtle. To name a few areas that could use improvement: education, ongoing support, trust, communication between the two systems. There were two specific and tangible suggestions for how the two systems could improve their relationship.

First, actual relationships between individual child protection workers and pastors is seen as a needed change. This was noted by three of the pastors interviewed as a way to improve the relationship between the two systems. The first said that she has informal relationships with many professionals, but not with any child protection workers. She said "This would make a big difference because I would have someone to call for advice, information, or suggestions about a specific situation. If this were available, this could change the non-existent relationship between the two systems." She also said that the seminars that Dakota County offers don't get her attention because she receives offers for ten different seminars week (P2).

The next pastor said, "Face to face relationships break down barriers. There is fear of calling child protection, of children being pulled, of the unknown. But if I can put a face to it this becomes a resource person and forms trust in both directions" (P4).

The last pastor to suggest the need for relationships said "In the past, the fact that I knew someone made a huge difference. Having a contact in the county reduces discomfort and would likely increase my own rate of reporting." He said the key thing that could change how the two work together would be for clergy to have a contact person. (P6).

The second change suggested is for the child protection system to intentionally involve clergy and the church as a resource. This was suggested by three child protection workers. The first said that child protection should begin actually giving the church a role with some of their families. She asked "We do this with therapists, why not with clergy?" She explained that in her work in child protection, the use a team model in their work with families and that the church needs to be more readily included and used as part of that team when it is appropriate for the given family. Her last point was that if the two systems were to actually start working together, maybe they would have an easier time seeing each other on the same team (C1).

The next child protection worker explained that social services is currently reactive and that the church is more proactive, focusing on prevention. She thinks that if the two worked more closely together, social services would benefit from the church's involvement (C3).

The last child protection worker said that the change she wants to see happen, already is happening. She said that the future of social services will be coming more and

more from the church, and that it already has started. She said the church can be a caring and safe place, even for non-believers, and that she has seen this happen. She said that in the future she thinks child protection, as a government institution, will retain the focus on investigation because of the liability. What will be different, is that the church (which she stresses is part of the greater community) will be used more and more as an ongoing resource after the child protection assessment (C4).

Chapter 6:

Analysis of Findings and Implications

Overview

In this chapter I will stress the importance of a social work perspective. The theoretical frameworks looked at in chapter three will be used as a way of understanding the frames of reference that clergy and child protection workers come from. I will then discuss the key themes that run through the findings shared in chapter four. After considering the strengths and limitations I will close with a brief discussion of implications for practice and for research.

Social Work Perspective

Compton and Galaway (1989) cite the Commission on Social Work Practice of the National Association of Social Workers (1958, p.56) in the definition of social work they provide. Social work's central role in identifying and addressing disequilibrium between individuals, groups, and the environment is clearly stated. This definition also stresses social work's central role in identifying and strengthening already existing potential. It is my hope that this analysis chapter, based in the social work perspective, will shine light on both the disequilibrium and the potential that is present when we look at the relationship between child protection workers and clergy.

Frame of Reference

A child protection worker and a pastor each come from a different frame of reference when looking at the issue of reporting and when defining who their client is. For the child protection worker reporting is fundamental and assumed to be a given. This input called reporting is an integral part of the child protection system. Because of the legal mandates which support the reporting process, the child protection worker's point of

view is one that says reports are a given - they *will* come in. Without reports, the system won't function and the child protection worker can't do her job.

For the pastor, reporting is external to her system. She can still be a pastor, whether or not she makes reports to child protection. She can deal with a child abuse situation without reporting it to child protection, and still be a pastor. Reporting to the child protection system is not something that makes the pastor what she is.

In terms of The Contingency Theory (Hasenfeld, 1992) the child protection system and the church (as a system) are in one another's environments. They influence one another, and this theory is one way of explaining how they influence one another's effectiveness in a specific context - child welfare. This can be included in our discussion of reporting frame of reference. It shows that reporting has different relevance for each. The child protection system's overall functioning is truly contingent on the reports that come in from the many systems in its environment - including the church. The church's overall functioning is *not* truly contingent on whether or not it makes reports to the child protection system in its environment.

The pastor and the child protection worker also come from a different frame of reference when defining who the client is. The pastor's client is the family. For the pastor the child is an integral part of that family's life, but the primary pastoral point of view focuses on the family. This largely comes from the pastor's traditional role of facilitating the public rites of passage which define what the family is - baptisms, marriages, funerals, etc. The child protection worker's client is the child. While the family is an integral part of that child's life, the primary child protection point of view focuses on the child. The historical roots of the child welfare system are based in the

recognition that children need the advocacy of an outside source and in the recognition that the family does not always meet the needs of the child simply because it is a family.

These points do not mean that one cares more about the welfare of children than the other. Nor does it mean that one cares more about the welfare of families than the other. Thinking in terms of The Ecological System Theory (Compton and Galaway, 1989) the concept of *role* is of assistance. Pastors and child protection workers are each influenced by the rules and expectations of the larger systems they work in. These rules and expectations define their roles. While pastor's care about the welfare of children, they work in a system that traditionally expects them to advocate for the family as a whole. While child protection workers care about the welfare of families, they work in a system that traditionally expects them to respond to the needs of the child first, even if this means causing great disruption to the family that child is in.

What may be most important to realize is that these frames of reference defining the client are not all that far from one another. While each may seem marked and different, only a fine line separates a child from a family. In the implications that follow I will talk about concrete ways that clergy and child protection workers can work together, each at the same time maintaining their frame of reference.

Findings Analysis

Trust. This ties directly to the issues that will be briefly explored next. The decision to report, one's willingness to accept support and education, and the partnership between church and child protection all deal with issues surrounding trust. This is what ties them together and when we look at communication between the two professions, perhaps directly talking about trust would have merit.

Decisions. The majority of the pastors interviewed acknowledged complexity in their decision process. They base their decisions to report on several factors. Several of the articles above confirm this finding (Giovanni, 1995; Kalichman, et al., 1990; Grossoehme, 1998; Knapp and VandeCreek, 1985; Cole, 1987; Mitchell, 1987.) Its important to note that even with this complexity, each of the six pastors could think of times when they would report – even violate the confession. The factors that appear to be common are as follows:

1. A lack of trust in the child protection system.
2. Concern for what effect reporting would have.
3. The sanctity of the confession and the pastoral relationship itself.
4. The actual risk the child is at.

It's interesting that consideration of the legality of reporting or not reporting did not appear to play into ones ethics or morals. The legal requirement to report is not taken lightly, but it seems that this is not what a pastor's ultimate decision is most likely to be based on. The ethics behind the decision to report took all of the above factors very seriously.

Generally with the child protection workers there is a high level of trust in the system they work in and this seems to make the statutes stand out as more of a bottom line. When sharing their perception of the position clergy are in there was little acknowledgment of ethical complexity. There was reference to either/or situations. "Either its confession (*and they don't call in*) or it isn't (*and they do*)." At the same time there was limited trust in the church for some of the child protection workers interviewed. Trust is a factor that clearly effects the willingness of a child protection worker to

communicate with a pastor on an ongoing case or to seek out a church (or even allow a church) as a resource for a family. If trust were there, perhaps they would more readily make decisions in that involve the church when this is appropriate for the given client.

This factor of trust may be the most central. If clergy felt they could trust the child protection system more, perhaps that would make things a little simpler and less of a dilemma when they are faced with the decision to report or not. Perhaps the legality of the reporting issue would become clearer. If child protection workers felt they could trust the church more, perhaps that would effect the relationship between the church and child protection on a macro-level.

Education and Support Go Together. As documented in the literature review, education is an important factor in a pastor's decision to report (Audette, 1998; and Bullis, 1990.) An insight that has come from these interviews is that an aspect of ongoing learning can be directly tied to ongoing support. When we go to others for guidance we get both. In this case, examples of pastors and child protection workers supporting and educating one another are of central relevance. Only one pastor had both trust for the child protection system in Dakota County, and an ongoing relationship with a child protection worker. Having both was no coincidence. He admitted that it was not always this way. He has grown and the fact that this child protection worker joined his congregation made the difference. For this child protection worker he spoke of this pastor's direct involvement in an ongoing child protection case as a positive thing. This experience has introduced them to a human perspective from the inside of the other system. For the pastor, he now trusts the system, the screeners who he calls on to make reports to and to receive guidance from, and the people he works with when he is an

active part of a child protection case plan. This began with his relationship with, and experience of learning from, the child protection worker. It's an important point that being able and willing to go to another for guidance requires trust.

ers did not focus on the importance of a one-on-one relationship. They all shared the perception that education is important and that the screeners can provide guidance to pastors when they call in. Many showed a degree of sensitivity to the dilemma clergy face, but with only one exception this was based in hypothetical reflection about what it must be like for pastors. Unlike the pastors, the child protection workers in general did not express the same interest in crossing the system boundary on a personal level and "getting to know" a clergy person. It's important to stress that this does not mean that child protection workers don't want to get to know pastors. There is, however, a difference.

In terms of Hasenfeld's Contingency Theory (1992), the child protection system is a governmentally structured, bureaucratically organized system. Those who work there have thousands of calls come in a year. They are influenced by the high number of reports which come in from the high number of systems in their environment. The church is one of many potential sources of informational input to the child protection system, and the child protection workers may simply not have the time or energy to initiate contact or foster trust based relationships.

When we look at the need for child protection workers and pastors to support one another and to educate one another, this difference may be relevant.

Partnership. While the child protection workers in general terms did not talk about one-on-one, trust based relationships, they did talk about partnership. This was a

clear theme. It appears that partnership has started, is effective, and has potential to grow, but still is not where it could be. One child protection worker spoke in the present. She sees an existing common goal of helping families be successful with healthy relationships. She spoke in a way that ties to the Contingency Theory (Hasenfeld, 1992). She said that she often gets calls from church staff or members and that they are "fringes of the child protection system." The child protection system's overall functioning is contingent on these reports. She also said that she sees the church as a source of prevention and healthy relationships. This last point certainly effects families. Although a less tangible effect than a report being called in, this also effects the child protection system.

Another child protection worker spoke in the present and future. Partnership is something that is now real and something that is going to grow, with a future of more and more social services coming from the church. She said that the church will be providing many of the social services that up to now county social services have provided directly.

When the pastors spoke about the relationship between the church and the child protection system, some spoke of partnership as present and others spoke of partnership as something that would be nice. Those who spoke about it in existence based this on experience. Those who see such partnership as a future hope directly tied its current absence to a lack of trust – on both a personal and a macro level.

On an organizational level clarification is needed. Child protection needs to make sure that its employees have basic knowledge of the role of clergy as reporters, and the potential resource churches in area communities can provide. At the same time, on a national level, the Evangelical Lutheran Church in America needs to clarify its position

on the role of clergy in reporting child abuse. While the ELCA provides documents which provide some guidance (*these are cited in the implications that follow*), there is not an official statement or clear policy on clergy and mandated reporting.

Communication. Out of the interviews came examples of positive and negative communication, and examples of no communication, between child protection workers and clergy. This clearly is a relevant issue. Communication is well documented in the articles as something that needs to improve (Compaan, Doueck, and Levine, 1997; and Zellman, 1990). With those interviewed for this research their relationship with the other system was effected by this. Those who have never communicated with the other system, were speaking from a largely hypothetical point of view. Those who have had negative communications with the other, focus on what was wrong and what could be better. Those who have had positive communications, focus on what the two systems have to offer each other and the clients they have in common.

While a pastor or child protection worker's communication with the other system, may be a reflection of their trust in that other system, it can be more. It can be an experience that leads the professional to face their trust or lack of trust in the other system, its basis, and how it is to be handled.

Strengths and Limitations of Research

There are two important limitations of this research. The first is limited area of focus. Those interviewed - child protection workers and pastors - work in the geographic area defined by Dakota County. The pastors interviewed are in one synod of one denomination - the Evangelical Lutheran Church in America. Generalizing findings and implications must be done with hesitation, keeping this limitation in mind.

The second limitation is the potential of systematic error resulting in a false picture because of the means of data collection (Rubin and Babbie, 1990, p.161). The first potential systematic error comes from the recruitment process itself. Those who were interviewed were either already interested in this issue, with a level of confidence that they could speak to this issue, or they were prompted by one of their colleagues who had already participated. Recruitment was not a random process.

The strength of this research is the reliability that comes from the consistency of the interview process, and the validity that comes from the limited area of focus. The reliability is present because those interviewed were asked the same questions and in the same order. This was done whether they were clergy or child protection workers, regardless of how much experience they had, and regardless of how they were prompted to participate in the study. The limited area of focus provides validity. Validity is defined by Rubin and Babbie as “the extent to which an empirical measure reflects the *real meaning* of the concept under consideration” (1997.) The real meaning of mandated reporting, clergy privilege, and the relationship between child protection and clergy, is going to be different from one state to the next, from one county to the next, and from one denomination to the next. By focusing on one county and one denomination, the meanings that are found are clearly relevant to this one county and this one denomination.

Implications For Practice

The following implications for practice are based in the information obtained from the interviews and are supported in the literature. They have clear relevance for those professionals working in Dakota County and in the Evangelical Lutheran Church in

America. They may also have relevance outside these boundaries, but that must be considered very carefully.

The implications that I name here are action based. They are suggestions for what people can actually do, and they apply on both macro and micro system levels. It is of great importance that I articulate where I am coming from. Mitchell (1987) closes her article by stressing that anyone dealing with the complex issues involved here must have "...appropriate humility concerning [their] abilities either to judge or to effect a child's best interest." (p. 825). I will now discuss the following implications, while making every effort to hold onto that humility.

Need for Communication.

Child protection workers and pastors need to communicate. This goes both ways. As is exemplified by the pastor and the child protection worker who are part of the same congregation, communication is where they started. This has increased their understanding of one another's roles, ethics, dilemma's, and positions on reporting and ongoing child protection intervention. They are not only talking about partnership, they are doing it and it began with communication.

- Pastors need to initiate communication with the screeners at Dakota County.
As articulated by the screeners I interviewed they provide guidance and are there to educate. This has the effect of building a human connection on the inside of a bureaucratic, governmental organization that can build the trust that is so important.
- Child protection workers need to initiate communication with pastors. This could lead to understanding of the dilemma that clergy do face and

understanding of how the church can help as a resource in partnership with social services. This communication is particularly important because of the complex nature of the clergy dilemma and the uniqueness of each congregation as a resource.

Actually Read Policies and Statutes

As seen in the findings above, there are a wide range of understandings of mandated reporting, clergy privilege, and confession. While each individual professional's ethics and standards are complex, basic rules and definitions are a fundamental place to start. They are something held in common.

There are documents published by the Evangelical Lutheran Church in America which are important for Lutheran clergy to review:

- Visions and expectations: Ordained Ministers in the ELCA
 - This is an official document which addresses the expectations this church's members have of their clergy. It clearly addresses the need to maintain confidentiality, but encourages clergy to report when a person appears to be intending to harm themselves or another – even if this occurs during confession.
- Safe haven for children: A resource guide for congregations
 - This is a resource published by Augsburg Fortress, and used on the ELCA's website, that provides insight and hands on guidance for congregations in their efforts to address the needs of children. It includes encouragement to collaborate with other faith communities, agencies, and service organizations in addressing the needs of children. It also directly

addresses reporting, acknowledging that the legal requirements are different from one state to the next, and stressing the importance on knowing the specific laws in the state it which you serve.

The laws in the state of Minnesota and informational documents published by the Minnesota Department of Human Services and Dakota County are important for both clergy and child protection workers.

- The Minnesota Statutes.
 - Statute 626.556 provides a legal definition for mandated reporting.
 - Statute 295.02, Subdiv.C mandates when clergy cannot share information.
- What Can I Do To Prevent Harm To Children: A Resource Guide For Mandated Reporters
 - This is a statewide overview of mandated reporting. It is provided by the Department of Human Services.
- Child Abuse and Neglect: Child Abuse in Dakota County
 - This is an easy to use, bound series of pages, each with its own visible tab addressing a different subject – reporting, definitions of abuse, child abuse prevention, etc.

Initiate or Maintain Contact

The cited documents above are extremely important and they are a starting point. Making contact will bring this information to life. For pastors and child protection workers the experience of having, initiating, or maintaining contact will be different.

Pastors

- Initiating contact *before* there is a reporting concern.

This could provide many things: establish a human contact, provide you with a real person before the actual dilemma of reporting is faced, give you the chance to express your trust or lack of trust, allow you to ask questions and to share your views on what pastors and the church have to offer.

- Initiating contact *during* a reporting concern.

This could be a source of guidance, an opportunity to have a professional support you in deciding whether or not to report, and an opportunity for you to be honest with the child protection worker about your concerns regarding child protection itself.

- Maintaining contact.

This could lead to a development of trust in the child protection system as you learn what to expect when calling in and establish a relationship with a specific screener. Ultimately the true benefit could be to your parishioner as you will have the opportunity to educate the child protection worker.

Child Protection Workers

- Working to establish relationships with pastors who call in.

If you are a screener, your willingness to establish a relationship with pastors who call in, often not trusting the system you work for, will make a significant difference.

- Forming a professional relationship with a pastor.

Whether it is with one who has called in to your office, or one you know outside of your role as a child protection worker, see if you can form a connection with a pastor who can answer questions you might have about the

behavior of clergy when they call in, the church as a potential resource for social services, etc.

- Using the church as a resource.

When it is something the client sees as relevant, their church may provide many kinds of ongoing support. Include their church in your overview of their resources, and explore how it might fit into their case plan.

Need to Address Education, Training, and Guidance

1. College Curriculums:

College curriculums could be improved to address these issues more directly, both for child protection workers and clergy. The following are specific suggestions:

a) Seminary:

There needs to be direct discussion of the following:

- The dilemma faced by clergy.
- Specific aspects of the reporting process.
- How to obtain information in any state a pastor could be placed.
- The position of the Evangelical Lutheran Church in America on the issues of reporting, confidentiality, and the confession's sacredness.

b) Social Work Programs:

- The relationship between social work and spirituality is already gaining needed attention.
- For those who become child protection workers, having looked at the role religious institutions can play, the importance of spirituality in the

lives of their clients, and - in a Christian context - the importance of confession, could greatly assist.

2. Organizational Responsibility:

The Evangelical Lutheran Church in America does take child abuse seriously and the following suggestions may have merit:

a) Policies

- While the ELCA addresses child abuse and the role of clergy in reporting to the child protection system, it needs to address the possibility of developing an official policy regarding the reporting of child abuse. This would provide structure and guidance to pastor's facing the reporting dilemma.

b) The St. Paul Synod of the ELCA and Dakota County need to jointly prepare a training:

Dakota County annually offers a seminar on mandated reporting. The pastors interviewed either did not know about it, or did not go. Working directly with the St. Paul Synod, a central source of organization, could greatly increase these pastor's involvement.

- Pastors need to actually attend this training. It can provide information and answers to specific questions, and be a place to begin establishing relationships with the human inside of the child protection system.
- The training needs to address two issues:
 - Reporting

- How the church, and child protection, as systems can work together.

Potential Solutions To Consider Using.

Two potential solutions for pastors to use may cut through the clergy dilemma. Both of these possible courses of action may enable the pastor to be sure that child protection concerns are addressed, without violating the trust that is at the core of the pastoral relationship. These were offered by one pastor and by one child protection worker:

- Have the parishioner report themselves to child protection.
 - This has the benefit of giving the parishioner control and putting them in a stance of cooperation with child protection right from the start.
- Refer the parishioner to another professional.
 - This has the benefit of getting other professionals involved who can provide support, who may be better trained to assess the situation, and who are also mandated to report.

Implications for Research

There are two implications for research. The first is the need for quantitative studies that look at the actual reporting behavior of clergy. In the literature studied, only one study included the reporting behavior of clergy (Grossoehme, 1998). In Dakota County it would be very interesting to compare denominations and patterns of reporting. I would recommend a quantitative study, specific to Minnesota, that looked at the reporting behavior of mandated reporters - including clergy. It would be interesting to

see this data, comparing clergy to other mandated reporters, who all fall under the same legal authority of the state of Minnesota.

The second is the need for further research-based exploration of how the child protection system and the church actually work together already. Since many of those interviewed talked about the importance of partnership between the two systems, but acknowledged that much more could be done, an in-depth look at what is already being done could provide needed insight and direction to the development of this partnership.

Summary

It is hoped that these potential implications, which respond to places of disequilibrium and encourage the continued growth of already existing strengths, will at very least be food for thought. Those who have considered these implications are encouraged to act on them. While the church and the child protection system are separate systems, we already have examples of how they can support one another with the families and communities they have in common. As pastors and child protection workers continue to struggle with what role clergy are to play in reporting child abuse, may they support and educate one another, and may their expertise be influenced positively by this research.

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AUGSBURG

C•O•L•L•E•G•E

MEMO

27 June 2000

To: Mr. Brant Thomsen

From: Dr. Sharon Patten, IRB Chair

Phone: 612-330-1723

SKP

RE: Your IRB Application

Thank you for your response to IRB issues and questions. As we discussed over the phone earlier this year, your study was approved (IRB approval number 2000-28-2). Please use this number on all official correspondence and written materials relative to your study.

Your research should prove valuable and provide important insight into an issue in social work practice, planning, and policy. We wish you every success!

SKP:ka

cc: Rosemary Link, Ph.D., Thesis Advisor

Appendix B:
The mandate to report child abuse and the clergy privilege
of confidentiality: how are these understood?
Consent Form (for clergy)

You are invited to be in a research study of local clergy. The goal of this study is to see how mandated reporting and the clergy privilege of confidentiality are understood. You were selected as a possible participant because your perspective is valuable. We ask that you read this form and ask any questions you may have before agreeing to be in the study.

I am conducting this study as a part of my Master's of Social Work Thesis at Augsburg College. In the past I have been a child protection worker and have served on the ministry staff of a local congregation. Because of my own experience I know that your professional experience will be extremely relevant if you choose to participate.

Background Information:

The purpose of this study is to see how the mandate to report child abuse and the clergy privilege are understood by those professionals who deal with it most directly. The following are the basic research questions:

1. How do you see mandated reporting as understood by clergy and by child protection workers?
2. How do you see the "clergy privilege" as understood by clergy and by child protection workers?
3. How do you understand the relationship between the church and the child protection system?

It is important to note that I will be going through the same process – asking the same questions- with individual social workers who serve the child protection system in Dakota County.

Procedures:

If you agree to be in this study, we would ask you to do the following things:

1. Review and sign this consent form.
2. Participate in one interview, lasting up to 30 minutes.

Risks and Benefits of Being in the Study:

The study has one risk. That is the possibility that those who read the study would recognize things you share – i.e. specific experiences you have had, case scenarios, etc. However, all names and places will be changed and your name will be not used in published information.

There are no direct benefits (i.e. money, gifts) to participation, except a copy of the final executive summary.

Indirect benefits to participation although hard to measure are extremely important. This very issue – the conflict between mandated reporting and the clergy privilege - has erupted in other state court systems due to a lack of clarity in just what mandated reporting and the clergy privilege are. In Minnesota your participation could have a positive effect on the relationship between the public child protection system and the church – two systems that greatly benefit the communities they care for.

Confidentiality:

Information that could identify you to another person (a specific situation, your name, your initials) will not be included in any published information. Research records will be kept in a locked file. Records would include audio tapes, transcripts of these tapes, and hand written notes. These sources of raw information will be destroyed by June 30, 2000.

The only people who will have access to the raw data include myself and the transcriptionist. Audio tapes, transcriptions, and hand written notes will be completely destroyed by June 30st, 2000.

IRB# 2000-28-2

Voluntary Nature of the Study:

Your decision whether or not to participate will not affect your current or future relations with the College, with Dakota County, or with the St. Paul Synod of the Evangelical Lutheran Church in America. These organizations will not know of your participation. If you decide to participate, you are free to withdraw at any time without affecting your relationship with these organizations.

Contacts and Questions:

The researcher conducting this study is Brant Thomsen. You may ask any questions, now or after the interview, by calling me at (612)522-6743. You may also contact my advisor, Dr. Rosemary Link, at (612) 330-1147.

You will be given a copy of this form to keep for your records.

Statement of Consent:

I have read the above information. I have asked questions and have received answers. I consent to participate in the study.

Signature _____

Date _____

Signature of investigator _____

Date _____

I consent to be audiotaped so that the interview may be transcribed:

Signature _____ Date _____

I consent to the use of quotations in the final executive summary of this study:

Signature _____

Date _____

Appendix C:
The mandate to report child abuse and the clergy privilege
of confidentiality: how are these understood?
Consent Form (for social workers)

You are invited to be in a research study of local social workers in the child welfare system. The goal of this study is to see how mandated reporting and the clergy privilege of confidentiality are understood. You were selected as a possible participant because your perspective is valuable. We ask that you read this form and ask any questions you may have before agreeing to be in the study.

I am conducting this study as a part of my Master's of Social Work Thesis at Augsburg College. In the past I have been a child protection worker and have served on the ministry staff of a local congregation. Because of my own experience I know that your professional experience will be extremely relevant if you choose to participate.

Background Information:

The purpose of this study is to see how the mandate to report child abuse and the clergy privilege are understood among social workers in the child protection system. The following are the basic research questions:

1. How do you see mandated reporting as understood by clergy and by child protection workers?
2. How do you see the "clergy privilege" as understood by clergy and by child protection workers?
3. How do you understand the relationship between the church and the child protection system?

It is important to note that I will be going through the same process with individual pastors who serve the same geographic area of Dakota County.

Procedures:

If you agree to be in this study, we would ask you to do the following things:

1. Review and sign this consent form.
2. Participate in one interview, lasting up to 30 minutes.

Risks and Benefits of Being in the Study:

The study has one risk. That is the possibility that those who read the study would recognize things you share – i.e. specific experiences you have had, case scenarios, etc. However all names and places will be changed and your name will be not used in published information.

There are no direct benefits (i.e. money, gifts) to participation, except a copy of the final executive summary.

Indirect benefits to participation although hard to measure are extremely important. This very issue – the conflict between mandated reporting and the clergy privilege - has erupted in other state court systems due to a lack of clarity in just what mandated reporting and the clergy privilege are. In Minnesota your participation could have a positive effect on the relationship between the public child protection system and the church – two systems that greatly benefit the communities they care for.

Confidentiality:

Information that could identify you to another person (a specific situation, your name, your initials) will not be included in any published information. Research records will be kept in a locked file. records would include audio tapes, transcripts of these tapes, and hand written notes. These sources of raw information will be destroyed by May 31, 2000.

The only people who will have access to the raw data include myself and the transcriptionist.

Audio tapes, transcriptions, and hand written notes will be completely destroyed by June 30st, 2000.

IRB#2000-28-2

Voluntary Nature of the Study:

Your decision whether or not to participate will not affect your current or future relations with the College, with Dakota County, or with the St. Paul Synod of the Evangelical Lutheran Church in America. These organizations will not know of your participation. If you decide to participate, you are free to withdraw at any time without affecting your relationship with these organizations.

Contacts and Questions:

The researcher conducting this study is Brant Thomsen. You may ask any questions, now or after this interview, by calling me at (612)522-6743. You may also contact my advisor, Dr. Rosemary Link, at (612) 330-1147.

You will be given a copy of this form to keep for your records.

Statement of Consent:

I have read the above information. I have asked questions and have received answers. I consent to participate in the study.

Signature _____
Date _____

Signature of investigator _____
Date _____

I consent to be audiotaped so that the interview may be transcribed:

Signature _____ Date _____

I consent to the use of quotations in the final executive summary of this study:

Signature _____
Date _____

**Appendix D:
Solicitation Letter To Pastors**

April 6th, 2000

Dear Rev. _____,

I am writing to request your participation in an ongoing study taking an in-depth look at how mandated reporting and the clergy privilege of confidentiality are understood by child protection professionals and by clergy. If you were to participate it would involve only one interview, up to 30 minutes long, at the location of your choice.

I am conducting this study as a part of my Master's of Social Work Thesis at Augsburg College. In the past I have been a child protection worker and have served on the ministry staff of a local congregation. Because of my own experience I know that your professional experience will be extremely relevant if you choose to participate. The attached summary is provided for your information.

To set up an interview please call me at (612) 522-6743 as quickly as possible. I currently have a flexible schedule and hope to complete most interviews by the last week in April. I will do everything possible to maintain your confidentiality – the use of a transcriptionist and the use of quotes will only occur with your signed consent. Identifiers such as your name or initials will not be used.

If you have any questions you may call me at the above number. You may also call my advisor, Dr. Rosemary Link, at (612) 330-1147.

Sincerely,

Brant Thomsen
MSW Student
IRB# 2000-28-2

Appendix E:
Solicitation Letter To Child Protection Workers

4/03/00

Dear Dakota County Social Services Employee,

I am writing to request your participation in an ongoing study taking an in-depth look at how mandated reporting and the clergy privilege of confidentiality are understood by child protection professionals and by clergy. If you were to participate it would involve only one interview, up to 30 minutes long, at the location of your choice.

I am conducting this study as a part of my Master's of Social Work Thesis at Augsburg College. In the past I have been a child protection worker and have served on the ministry staff of a local congregation. Because of my own experience I know that your professional experience will be extremely relevant if you choose to participate. The attached summary is provided for your information. To set up an interview please call me at (612) 522-6743. I will do everything possible to maintain anonymity – the use of a transcriptionist and the use of quotes will only occur with your signed consent. Identifiers such as your name or initials will not be used.

If you have any questions you may call me at the above number. You may also call my advisor, Dr. Rosemary Link, at (612)330-1147.

Sincerely,

Brant Thomsen
MSW Student

IRB# 2000-28-2

Appendix F: Summary

This research project is titled The mandate to report child abuse and the clergy privilege of confidentiality: how are these understood? The purpose of this research is to take an in-depth (qualitative) look at how mandated reporting and the clergy privilege of confidentiality are understood. This research will focus on the two vocations – clergy and child protection social workers – that have a direct relationship with this issue.

The methods used will be qualitative interviews – meaning that each person being interviewed will be encouraged to go into as much depth as they can. The direction of each interview will be based on a basic interview guide, but will largely follow the direction of the person being interviewed. Six pastors in the Evangelical Lutheran Church of America, serving Dakota County, in Minnesota, and six child protection professionals serving Dakota County, in Minnesota, will be interviewed.

Three basic research questions will be asked: How do you see mandated reporting as understood by clergy and by child protection workers? How do you see the “clergy privilege” as understood by clergy and by child protection workers? How do you understand the relationship between the church and the child protection system? Many categories – i.e. legal, ethical, traditions, etc. – may be addressed in each of these questions – but again, this direction will largely depend on the person being interviewed. It is my intention to follow the lead of the person being interviewed.

The need for this research is justified for two reasons. First, increased knowledge is needed. In my literature review I found that this has not been greatly researched. After reading 65 articles, and then choosing 16 for the literature review itself, I found that many articles talked about clergy. I found many studies that systematically documented reporting behavior on the part of mandated reporters. Of all these studies, however, only one systematically looked at patterns of reporting behavior on the part of clergy. I must ask why this gap in research exists.

Second, the literature review suggests the importance of communication between the two groups. It is hoped that this research will provide a preliminary assessment of the communication between the Lutheran clergy and the child protection professionals in Dakota County.

Each person who agrees to participate in this study will be asked to complete two tasks:

1. Review the questions before the interview.
2. Participate in one interview, approximately 30 minutes.

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Appendix G: Interview Guide

(The lettered sub-questions are only for my own thought process and clarity as the interviewer. Some may be used - some may not be used. Depending on the person being interviewed, they may not be used at all. The key to the interviews are the numbered questions in bold.)

1. **How do you see mandated reporting as understood by clergy and by child protection workers?**
 - a. When you hear the word “mandated reporting” what first comes to mind?
 - b. Who does mandated reporting apply to?
 - c. What must be reported?
 - d. When must it be reported?
 - e. What level of legal authority mandates the reporting of child abuse (federal, state, county) ?
 - f. Are there exceptions to the mandate? What are they?
 - g. How does the mandate to report child abuse effect the child protection system?
 - h. How does it apply to clergy?
 - i. How does the mandate to report child abuse effect the church?
 - j. Where have you gotten this information/ knowledge/understanding?

2. **How do you see the “clergy privilege” as understood by clergy and by child protection workers?**
 - a. When you hear the word “clergy privilege” what first comes to mind?
Who does the clergy privilege apply to?
 - b. What are clergy exempt from reporting?
 - c. When are clergy exempt from reporting?
 - d. Are there exceptions to the clergy privilege? What are they?
 - e. How does the clergy privilege effect the child protection system?
 - f. How does the clergy privilege effect the church?
Where have you gotten this information/ knowledge/understanding?

3. **How do you understand the relationship between the church and the child protection system?**
 - a. Is there any relationship?
 - b. Can they work together?
 - c. Can one benefit the other?

