

Heart Talks & Confidentiality Laws

(Updated September 2011)

This handout will assist you in understanding Minor Rights and Confidentiality Laws. "Heart Talks" will evolve to be in alignment with the laws surrounding minor confidentiality in regard to reporting to the person overseeing the event if there is a need.

1. Awareness & Evolution:

- ♥ Discussions on Pastoral Care; Clergy Confidentiality; Prayer Chaplains -FLP 2010
- ♥ The US Supreme Court upheld the parent's legal right regarding making critical decisions regarding their children (any minor, under the age of 18).
- ♥ Some confusion comes from misunderstandings of "Clergy Confidentiality" (priest-penitent sharing during the sacrament of confession). The Pastoral Care and Prayer Chaplain trainings presented in both the past and present are based upon an adult-to-adult discussion and not an adult-to-minor discussion. Only recently, the subject of age of consent has been included in this discussion and revisions are being made regarding standards in all areas of Pastoral Care; Clergy Confidentiality; Prayer Chaplains.
- ♥ Prayer Chaplains and those serving in this capacity do not have the same level of "Clergy Confidentiality" or confidentiality expectations when praying with and/or counseling a minor regardless of location: such as the local church or a regionally or nationally sponsored event.
- ♥ The adults involved must manage a complex balancing act between the ethical & legal responsibilities to the minor, their parents and the school and/or church.

2. Reporting to State or Tribal Authorities:

- ♥ Legally we are to report anything that may lead to an individual harming themselves or another. This includes property.
- ♥ Legally we are to report anything that we may suspect is a sign or symptom of abuse (physical, sexual, mental or emotional).
- ♥ Legally we are to report anything that reveals there is a concern for the health & wellbeing of the minor.

3. Sharing Information with Ministry Leaders:

- ♥ Legally we are to promptly report to and/or share information with ministry leadership.
- ♥ At an event, what this means is that the Event Coordinator – (whom the parent has given permission to oversee the health & wellbeing of the minor) has the right to be aware of an issue to get proper support and ensure safety of the minor and others.
- ♥ The Event Coordinator is assuming responsibility for the supervision and/or ongoing support of a minor -and should expect to be informed of need-to-know information that is not legally required to be reported to the state or tribal authorities and/or the parent/guardian.

4. What that means for Leaders & Sponsors:

- ♥ Minors have an "Ethical right" to confidentiality.
- ♥ Legally – the privacy rights of minors belong to their parents / guardians, so they do not have confidentiality rights in the same manner as an adult.
- ♥ What this means is that their parent and those assuming responsibility of the minor have the right to be aware of an issue to get proper support and ensure the safety of the minor and others.

- ♥ Ministry staff must weigh a minor's reasonable Expectation of privacy, in light of their voiced and unvoiced support needs, along with legal and ethical obligations to report &/or share need-to-know information with ministry staff (including volunteer Youth Ministry staff) assuming responsibility for the minor's well-being, supervision or ongoing support.

5. Behavior Change:

- ♥ NOTE: In the past, minors (Uniteens & YOU) have been treated with the same confidentiality rights as adults and this has been an error based in lack of awareness to the laws of most states in the US.
- ♥ This change in GLURC is based on the rulings of the US Supreme Court, as well as evolving standards in field ministry for support of a minor.