

Bond Case Briefs

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CHURCHES - LOUISIANA

Parents of Minor Child v. Charlet

Supreme Court of Louisiana - April 4, 2014 - So.3d - 2013-2879 (La. 4/4/14)

Parents of child sexual abuse complainant brought action against priest and church, alleging priest, as a mandatory reporter, had failed to report complainant's abuse allegations against another parishioner and that church was vicariously liable for the priest's failure to act. The District Court denied defendants' motion to exclude evidence of complainant's confession with priest. The Court of Appeal reversed order denying motion to exclude evidence and, on its own motion, entered peremptory exception of no cause of action. Parents petitioned for certiorari review.

The Supreme Court of Louisiana held that:

- Priest could not assert priest-penitent privilege on his own behalf, and
- Factual dispute as to whether priest violated mandatory reporting requirements precluded entry of peremptory exception of no cause of action.

The priest-penitent privilege belonged exclusively to child sexual abuse complainant, as the penitent-communicant who had reported alleged sexual abuse to priest during a confession, not to the priest, and thus, priest could not assert the privilege to protect himself in a civil action in which complainant's parents petitioned for damages based on allegation that priest, as a mandatory reporter, had a duty to report complainant's allegations of abuse. Evidence of the confession was admissible in its entirety, as complainant was free to testify and introduce evidence as to her own confession.

Genuine issue of material fact existed as to whether communications between child sexual abuse complainant and priest were confessions per se and whether the priest obtained knowledge outside the confessional that would trigger his duty, as a mandatory reporter, to report complainant's allegations against an adult parishioner, thus precluding entry of peremptory exception of no cause of action.