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LDS CHURCH LOSES SUIT: When lay clergy counsel abuse victims, church is responsible

Family crimes

The Church of Jesus Christ of Latter-day Saints says it follows state laws - which vary across the country - on reporting child sexual abuse.

But a jury in Washington state, where the law does not require clergy to report sex-abuse cases, has nevertheless ordered the church to pay at least \$2.5 million to two sisters who contend that local church leaders failed to help them when they reported being abused by their stepfather.

It is the first time that a Washington jury has held a religious organization liable for intentional infliction of emotional distress for failing to either report child sexual abuse or to urge the victim to report it to authorities. The LDS Church plans to appeal.

The jurors apparently believed that when religious leaders are in positions where they counsel members of their congregations in such serious matters as sexual abuse, they must do more than strictly adhere to the letter of the law. We agree. They have a responsibility to report the abuse, even when reporting is not required.

LDS ward bishops and other local church leaders are lay clergy, usually with no education or professional background in psychology. Even with the best of intentions, and with the availability of a Help Line to assist them, in most cases these men are not qualified to determine what is best for the victim or what action should be taken against the abuser. That should be left to officers of the law and professional counselors.

A church statement on child sexual abuse says local LDS leaders are instructed to, above all,

help victims and protect them from future abuse. It also states that the church believes the family is an instrument of the Almighty and the basic unit of society: "Protection of the family is a first principle of the Church."

The two primary goals of protecting the victim and sustaining the family can dangerously collide, however, when the abuser is the victim's father, stepfather, brother, uncle or grandfather. A largely untrained lay clergyman cannot always determine, in those cases, when it is safe or wise to sustain the family.

The church is serious about keeping abusers from backsliding. It tracks members who have abused children by annotating their membership records so they will never be put in church service positions that involve children. But it

says nothing of abusive family members who remain within that family.

Pedophilia, sexual abuse and incest are crimes, notwithstanding family and faith considerations.

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