

CLERGY MALPRACTICE

Pastors and staff persons devote their lives to helping others. Until recently, courts did not interfere in relationships between church members and the clergy.

At some point in time, most if not all ministers perform some type of ministerial assistance. This assistance is sometimes referred to as "counseling" which is most likely to become the subject of a clergy malpractice lawsuit.

There should be no hesitation on the part of the minister to refer anyone to a trained counselor such as a psychologist, psychiatrist, or other qualified person. Ministers can help members who hesitate to seek counseling outside the church by encouraging them to seek a **licensed** counselor or therapist. Ministers need to have those **resources available** for counseling referrals.

Lay leaders may offer incidental assistance in connection with their leadership responsibilities as teachers, deacons, disciplers, etc. in the church. This is a natural part of lay ministry and should not be avoided. Normally lay ministers doing incidental counseling are not held to the high standards of a minister or other trained person that does counseling as a **professional** on a regular basis! Churches should, however, avoid the use of lay ministers with minimal training, or any other untrained minister that is used or designated as a counselor.

Terms such as "minister," "discipler," or "helper" may be used to reduce the risk of lawsuit. The courts often see the term "counselor" or "counseling" as setting standards, referring to one who is licensed and therefore may be held liable for what is suggested in counseling. The minister should not avoid helping the hurting person.

NOTE: The terms "counseling" or "counselor" should not be used in churches, camps, assemblies, etc., unless the one doing the counseling is "licensed."

Reduce the risk of a lawsuit by referring to your staff as ministers; therefore, ministering rather than counseling would be acceptable terminology.