News



An Orthodox priest hears confession during a Mass celebrated Oct. 26, 2007, in Bucharest, Romania. In the United States, a group of Orthodox churches filed a federal lawsuit over a new law in Washington state on June 16, 2025, requiring clergy to report child abuse or neglect without exceptions for clergy-penitent privilege that is also being challenged by that state's Catholic bishops. (OSV News/Reuters/Bogdan Cristel)

Kate Scanlon

View Author Profile

OSV News

View Author Profile

Join the Conversation

Send your thoughts to *Letters to the Editor*. Learn more

Spokane, Wash. — June 25, 2025
Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

A group of Orthodox churches filed a federal lawsuit over a new law in Washington state requiring clergy to report child abuse or neglect without exceptions for clergy-penitent privilege that is also being challenged by that state's Catholic bishops.

Washington state's Senate Bill 5375, approved in May, designated members of the clergy as mandatory reporters — people required by law to report suspected or known instances of child abuse or neglect — without an exception for the clergy-penitent privilege.

While some have argued the bill addresses an important omission from the state's list of mandatory reporters, others have expressed concern that without exceptions for the clergy-penitent privilege, as similar laws in other states have, Washington state's law could place Catholic priests at odds with civil law in order to uphold church law regarding the seal of the confessional. The Catechism of the Catholic Church, citing canon law, states that priests are strictly forbidden from divulging what penitents tell them during confession and that the information a penitent shares is under "seal."

John Bursch, Alliance Defending Freedom senior counsel and vice president of appellate advocacy, who is representing a coalition of Orthodox churches and a priest, told OSV News that their faith tradition, similarly to Catholicism, requires "absolute confidentiality of all sins disclosed during the sacrament of confession, and if a priest discloses what's been learned in confession, not only is that a canonical crime and a grave sin, but the priest could be punished with removal from the priesthood."

The 1813 case People v. Philips, seen as the first constitutional test of freedom of religion, upheld the clergy-penitent, also known as priest-penitent, privilege in

American law. Bursch said the principle has long been "part of the common law tradition in the United States, and it's in really incredible infringement on religious freedom for this new law to make it a crime for priests to fulfill their religious obligation by keeping confessions confidential."

If a priest were to be found in violation of the law, he would be subject to "364 days in jail, a $5,000 fine for each instance, plus civil liability on top of that," Bursch said.

Advertisement

The state's Catholic bishops had supported a different version of the bill that included an exception for hearing confession, part of the sacrament of reconciliation, but opposed the version signed into law which lacked that exception. The Catholic bishops of Washington state asked a federal court to block the new law.

The law is also undergoing a Department of Justice probe. Asked if ADF had been in contact with the department over the lawsuit, Bursch said, "we're hopeful that they'll actually intervene in the case," and the probe signals "the administration recognizes what an abuse of religious liberty this is, and also how religiously discriminatory it is, and so we remain hopeful that they'll join the cause."

In a June statement regarding the Catholic bishop's lawsuit, Democratic Gov. Bob Ferguson said, "I'm disappointed my Church is filing a federal lawsuit to protect individuals who abuse kids."

Bursch called that argument "outrageous," as the state protects other forms of confidential communications.

"There are far more confidential conversations that are given to lawyers on an everyday basis," he said. "All those communications are considered more privileged than you have in the confessional, and yet, the Washington governor has no problem exempting lawyers as well as peer supporters, sexual assault advocates, alcohol and drug recovery sponsors. So for him to single out the Catholic Church specifically with that criticism just highlights the religious discrimination that's happening here."

The coalition of Orthodox churches includes the Orthodox Church In America and one of its priests, the Fr. Timothy Wilkinson, as well as the Antiochian Orthodox

Christian Archdiocese of North America, Romanian Orthodox Metropolia of the Americas, and the Western American Diocese of the Russian Orthodox Church Outside of Russia.

Their lawsuit, Orthodox Church in America v. Ferguson, was filed in the U.S. District Court for the Eastern District of Washington June 16.

The new law is currently scheduled to take effect in July.