

AUSTRALIA BRANCH
(Via CompuServe)

AB

April 28, 1998

No. 212

Governing Body
Service Committee

Re: Child Abuse Cases

Dear Brothers:

We are replying now to your letter GSC:AT February 12, 1998, No. 174S concerning the possibility of putting something in writing on the subject of confidentiality and the law in relation to child abuse matters. We appreciate the opinion of the Writing and Service Committees, and we thank you for the opportunity to comment further. We are sorry to be so long in replying, but we held it up due to the absence of some of the brothers who deal with these matters.

Up till now the brothers generally expect that the elders will keep all matters confidential, since this has been stressed a number of times. In Australia, it has happened that some elders have been prepared to accept punishment for contempt of court rather than disclose confidential information. However, we are now saying that elders should comply with the law where mandatory reporting is required if there is no exemption available to them. The situation will no doubt arise at some time where elders will have to disclose some information concerning child abuse, either to the secular authorities or even in open court if they are called upon to answer. Our feeling is that it may seem to publishers that the elders are treating confidential matters lightly. Also, it may be that some who have sinned would hesitate to talk to the elders if they thought that elders would not respect confidentiality. You asked us to set out what we believe would help in *Our Kingdom Ministry* if we feel it is really needed.

It has been suggested that the following be printed in a Question Box in *Our Kingdom Ministry*. It would not be necessary to schedule it as part of the service meeting program, unless we simply ask the Presiding Overseer or another elder simply to read the question and answer in the Announcements part of the meeting.

Question: Should elders supply information to secular authorities when they learn that a brother or sister has been involved in a serious crime?

Answer: Information given to elders is treated as confidential and is not discussed with others who are not involved. (w71 4/1, pp. 222-4) All Christians are counseled by God's Word to be law-abiding, and they are to pay to Caesar what is Caesar's where there is no conflict with God's laws. (Matthew 22:21; w90 11/1 pp. 10-15, 18-28) When Christians obey Caesar's laws that are not in conflict with God's laws, they have no need to "fear" punishment from the authorities as law-breakers, and they can maintain a good conscience.—Romans 13:3, 4.

If an elder learns of some serious crime on the part of a member of the congregation, he may, in some circumstances, be obliged by law to report the matter or to provide some information to secular authorities. It is not the responsibility of the elders to enforce Caesar's laws, but the very nature of some crimes demands that they be reported, or that they be dealt with by Caesar, for this is the "arrangement of God." (Romans 13:2) Even in such cases, it is important that the elders maintain confidentiality to the

extent possible, and elders should *always* contact the Society *before* providing any information on confidential matters to secular authorities.

Elders prove to be a “hiding place from the wind” to all in the congregation who are truly repentant, and they try to “readjust such a person,” no matter how serious the sin committed. (Isaiah 32:2; Galatians 6:1) However, while Jehovah forgives repentant sinners, there may be consequences of the actions of the sinner that cannot be avoided. Depending on the law of the land, the sinner may have to face sanctions from the state, or even serve a prison term. The congregation will not protect him from that.—See *The Watchtower*, January 1, 1997, page 29.

While in Brooklyn I turned in to the Service Committee a summary dated November 21, 1997 of what the Australia branch was saying. A copy is enclosed. The branch here will be happy if the Service and Writing Committees agree basically with what has been said, and we look forward to any comments or directions you may have.

We will look forward to your further comments on any of these matters. We realize that this is a complicated subject with many ramifications, and we appreciate the careful consideration given to the matter by the Governing Body. We have a current case under way which we are handling according to our past policies, so we would appreciate your comments as soon as convenient.

We take this opportunity of sending our warm love.

Your brother,
H. V. Mouritz
For the Branch Committee
AUSTRALIA BRANCH

Encl.