

## MANAGING LEGAL AND LIABILITY ISSUES IN BIBLICAL COUNSELING

*“Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God.”*

*Romans 13:1*

*“But seek the welfare of the city where I have sent you into exile, and pray to the Lord on its behalf, for in its welfare you will find welfare.”*

*Jeremiah 29:7*

### I. Basic Guidelines for Legalities and Liabilities to Consider

1. Church insurance and its coverage for your counselors and facility
2. Documents, forms and website information for counseling
3. Processes and procedures for counseling in your church
4. Counseling minors (special permissions & accountability)
  - a. Consider: do you counsel a minor alone? Is it safer to counsel with an advocate or someone else in the room? We do not stop counseling minors, but we need to be wise here. Counseling minors is a unique situation where culturally if an accusation is made by a minor against a counselor, the counselor is guilty until proven innocent
5. Seeking 501c3 status for counseling ministry (Pros and Cons)
  - a. Pros: legally protects the assets of the church if the biblical counseling ministry is sued.
  - b. Cons: can be administratively tricky

### II. Special Legal Considerations in Biblical Counseling

1. Mandatory Reporting – (see handout)
  - a. Walked through this as a group
2. Domestic Abuse
  - a. No contact orders: how will you handle these in counseling marriages?

3. Gender Issues
4. Sexual Abuse Inside the Church

### III. **Questions/Comments/Thoughts**

- a. Does using the word “counseling” or “counselor” put a church in a different category as far as liability is concerned?
  - a. Yes.
- b. Does it matter if counseling happens within or outside of the church?
  - a. Yes. Some insurances cover only counseling that happens inside the church facility, some will cover counseling that happens outside of it as well. You must check with your church insurance to see what is covered.
- c. 501c3 status is incredibly tricky. You must seek legal advice if you are considering this.
- d. Do you need to recertify in Mandatory Reporting?
  - a. Yes, every 5 years. You can retake the course after those 5 years are up to recertify yourself.