

A Policy Regarding Counseling Centers Connected to Congregations

Some questions have recently arisen regarding counseling activities in churches in the Diocese of Olympia. Nearly all clergy in congregations do pastoral counseling with members of their congregation from time to time. This, by its very nature, is part of the role of the ordained. However, several congregations in the Diocese provide professional counseling services for remuneration which is clearly different from this very usual occurrence. Additionally, there are activities that take place in churches that do not fit neatly into the definition of either type of counseling, such as lay spiritual direction and Stephen ministries, just to name a few.

While all of these counseling activities play an important role in our life together, it is important for parishes and missions alike to address potential liability concerns regarding counseling wisely in order to protect the parish and diocese as a whole. While some counseling activities are covered by the Diocese's insurance policy with the Church Insurance Agency, others are not and the purpose of this letter is to try to bring some clarification to these distinctions as well as to open up a dialogue regarding these activities.

Please note that a counseling program or counseling center in which professional counseling services are offered to members of the congregation and/or the public is not covered under the Diocese's insurance policy. As a result, in the case of missions the Diocese requires that such programs become separate organizations, legally independent of the sponsoring parish and further requires that such programs or centers obtain their own professional liability insurance policy. In addition, we would require that all missions follow the requirements in the attachment prepared by Church Insurance. In the case of parishes, the Diocese strongly suggests the same. To be totally clear the policy of the Diocese is that our insurance does not cover professional counseling services as the normal operation of the parish and would stipulate such should legal action be brought against the parish which would be highly likely if there was not a legal separation.

In order to help parishes and missions understand what counseling activities are covered by the Diocese's policy, Church Insurance has developed the recommendations and clarifications in the attached risk management document. Please review it carefully. The Diocese would be happy to provide advice and assistance to any parish or mission seeking to change the legal structure of a counseling program in accordance with the recommended risk management policies.

Also, as Bishop I am stating a policy which does not allow a person to serve as a fee-for-service counselor at a parish counseling center, AND at the same time serve as a staff member of the church. If you have any questions or wish for additional information, please call or email my assistant Tiffany Notrica. We will see that your concern is addressed by the proper person.

Attachment from Church Insurance:

To: Episcopal Diocese, Parishes & Missions Regarding Pastoral Counseling

The Church Insurance Agency Corporation (CIAC) would like to make the following recommendations and clarifications in regards to pastoral counseling.

Pastoral counseling, which is associated with ordained ministry, especially parish ministry, is quite different from the therapeutic disciplines. Pastoral counseling usually involves a conversation regarding a spiritual concern, a religious question or a life changing occurrence such as a death in the family or an upcoming marriage, and is brief in nature - usually 3 or 4 sessions maximum.

Ordained clergy should refer clients to a professional therapist/counselor when it becomes evident that the presenting concern is beyond the scope of pastoral counseling or when the maximum number of sessions is reached. Ordained clergy are not psychotherapists, marriage family and child counselors, clinical social workers or licensed counselors. They must establish boundaries to facilitate the appropriate care for those requesting counseling. Usually a policy statement by the parish or diocese is helpful in establishing and maintaining these boundaries.

Basic liability coverage provides \$1,000,000 of liability coverage should a pastoral counseling client claim illness or injury as a result of pastoral counseling. This coverage does not apply to ordained clergy working as a professional therapist/counselor.

Some parishes have professional counseling services available on the church premises. These counseling centers, whether operating as a tenant or as a parish sponsored activity, require separate professional liability insurance. The policy should name the parish (or the Diocese when the church is a mission congregation) as "additional insured" or "named insured" and provide the church with a certificate of insurance. Liability coverage for professional counseling centers is available through the Church Insurance Agency and our product partners.

Some activities that take place on church premises, parish sponsored activities such as lay spiritual direction, Stephen ministries and renewal gatherings such as Cursillo and Faith Alive, may be interpreted by participants as counseling activities although they do not fit the definition of either type of counseling. Prospective participants in these activities should sign a release of liability and hold-harmless agreement stating that they understand the nature of the activity and accept personal responsibility for their participation.

The policy written by the Church Insurance Company of Vermont reads as follows:

PASTORAL COUNSELING LIABILITY COVERAGE:

The definition of "Personal Injury" shall include acts, errors or omissions of Ordained Clergy, acting within the scope of their duties as employees of the Named Insured and arising out of the pastoral counseling activities of these individuals. This insurance is subject to the following exclusions.

a. to acts, errors or omissions of an Ordained Clergy while acting as a member of a formal accreditation or similar professional board or committee of any hospital or professional society;

b. to acts, errors or omissions of an Ordained Clergy that are dishonest, fraudulent or criminal;

c. to acts, errors or omissions of an Ordained Clergy as proprietor, superintendent, or executive officer of any hospital, sanitorium, medical clinic with bed and board facilities, laboratory, or to acts, errors or omissions arising out of any other trade, business, or profession other than scope of their duties as Ordained Clergy.

d. if either the Named Insured, the Ordained Clergy providing the pastoral counseling or another insured requests or requires any financial consideration for counseling.

Should you have additional questions or concerns, please contact CIAC at (800) 293-3525.

Information and descriptions of policies and services are provided solely for general informational purposes and are not intended to be complete descriptions. For complete details of coverage, including exclusions, limitations and restrictions, the actual policy or certificate shall govern.

Church Insurance Agency Corporation
Episcopal Risk Management Services 06/09