

# 148A Information for Congregation Presidents



Since January 1, 1991 the Southeastern Minnesota Synod has been complying with the provisions of Minnesota Statute § 148A. The compliance procedure has included doing background checks on all pastors receiving calls in the synod since January 1, 1991. It also included a provision to do background checks on pastors who had received calls in the synod after August 1, 1986 and before January 1, 1991 at the congregation's request.

## *What is § 148A?*

The synod's compliance procedure is designed to assist congregations in conducting the background checks required by §148A before calling a pastor, and does not in any way to replace the traditional responsibilities of the congregational call committee. Call committees must bear in mind that §148A is, in some respects, quite narrow: It requires only that some (not all) of the candidates' current and former employers (not acquaintances or bishops or even the candidates themselves) for the past five years be contacted and that they be asked only about sexual misconduct (not other types of misconduct), and then only about sexual misconduct with counselees (not sexual misconduct generally). Call committees should continue to inquire into the wide range of professional and personal qualities that bear upon whether a particular candidate can provide the pastoral leadership sought by a particular congregation.

## *Does § 148A apply to rostered Associates in Ministry (AIMs) or other employees of the congregation?*

The applicability of Minnesota Statutes § 148A depends on whether the non-clergy employee of the congregation is or will be performing "psychotherapy" as defined in the statute, namely "the professional treatment,

assessment or counseling of a mental or emotional symptom or condition."

It is unlikely that a secretary, a custodian or an organist would ever be within the scope of the statutory definition. If the duties of a teacher, youth director, social worker or parish nurse include counseling, then a court may find that the statute applies.

The statute is applicable to persons hired after August 1, 1986. A congregation who added laypersons with

counseling responsibilities to its staff may wish to comply with this statute retroactively.

Your congregation should determine for itself whether any lay church employees, whether rostered or non-rostered, need to have the background check completed.

## *What information does § 148A cover?*

This background check asks only for information relating to possible sexual misconduct in a counseling situation. Completing this background check does not give you information

that could be obtained in other types of background investigations.

More information is available online at [www.semnsynod.org/148a.html](http://www.semnsynod.org/148a.html). Other materials are available from the synod office to assist the congregation in completing these background checks. Please contact Beth Gabriel at the synod office to request a copy or if you have additional questions.

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