

be struggling with sin, he may schedule an interview. During the interview, he shares his concerns in a kind, respectful way. He avoids any tone of accusation.

If a member denies committing a serious sin that the bishop or stake president has information to support, a membership council may still be held. However, a spiritual impression alone is not sufficient to hold a council (see Doctrine and Covenants 10:37). The leader may gather additional information if needed. He follows the guidelines in 32.4.3 and 32.10.2.

32.4.3

Gathering Information

Before holding a membership council, the bishop or stake president gathers as much information as he needs. Information from a member's confession is often sufficient. Information may also come from a family member, another Church leader, a victim, or a participant in the sin.

When gathering information, the bishop or stake president should only use methods that are appropriate for a priesthood leader. He should not keep a watch on a person's home or record him or her without consent. Nor should he use any practices that are against the law.

False accusations are rare but can occur. Priesthood leaders should be cautious when there is limited information besides one person's word. For example, a member who is accused of adultery may deny the charge. The scriptures explain that "every word shall be established against him or her by two witnesses of the church" (Doctrine and Covenants 42:80). "Two witnesses" means two separate sources of information. This could include the knowledge of a participant and some other reliable source. At times a priesthood leader may need to wait to act until more information becomes available.

When a Church leader is gathering information for a membership council, he should immediately stop if he learns that law enforcement is actively investigating the member. This is done to avoid possible claims that the leader may have obstructed justice. For legal advice about these situations in the United States and Canada, the stake president contacts the Church's Office of General Counsel:

1-800-453-3860, extension 2-6301
1-801-240-6301

Outside the United States and Canada, the stake president contacts the area legal counsel at the area office.

Normally a membership council is not held to consider conduct being examined by a civil or criminal trial court until the court has reached a final judgment. In some cases it may also be appropriate to delay a membership council until the period of legal appeal has expired or the appeal has been rejected.

32.4.4

Confidentiality

Bishops, stake presidents, and their counselors have a sacred duty to protect all confidential information shared with them. This information may come in interviews, counseling, and confessions. The same duty of confidentiality applies to

all who take part in membership councils. Confidentiality is essential because members may not confess sins or seek guidance if what they share will not be kept confidential. Breaching a confidence betrays members' trust and causes them to lose confidence in their leaders.

Consistent with their duty of confidentiality, a bishop, stake president, or their counselors may share such information only as follows:

- They need to confer with the member's stake president, mission president, or bishop about holding a membership council or related matters. The stake president may also confer with his assigned Area Seventy. If needed, the Area Seventy refers the stake president to the Area Presidency. Only the stake president decides if a council should be held or its outcome.
- The person moves to a new ward (or the priesthood leader is released) while membership action or other serious concerns are pending. In these cases, the leader notifies the new bishop or stake president about the concerns or pending action (see 32.14.7). He also informs the leader if the member may pose a threat to others.
- A bishop or stake president learns that a Church member who lives outside the ward or stake may have been involved in a serious sin. In that instance, he confidentially contacts that member's bishop.

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It is necessary to disclose information during a membership council when the information gathered and shared as part of a membership council is confidential.

- A member chooses to give permission for the leader to share information with specific persons. These may include parents, Church leaders, or others who may provide support. The leader does not share information beyond the permission the member has given.
- It may be necessary to share limited information about the decision of a membership council (see 32.12.2).

In all other situations, the leader should refer to 32.4.5. These cases include when the law may require that a crime, such as child abuse, be reported to government authorities.

To assist leaders in protecting others and complying with the law, the Church provides help from trained professionals. To receive this guidance, leaders promptly call the Church's abuse help line where it is available (see 32.4.5 and 38.6.2.1). Where it is not available, the stake president contacts the area legal counsel at the area office.

In only one situation should a bishop or stake president disclose confidential information without first seeking such guidance. That is when disclosure is necessary to prevent life-threatening harm or serious injury and there is not time to seek guidance. In such cases, the duty to protect others is more important than the duty of confidentiality. Leaders should contact civil authorities immediately.

If leaders keep notes or communicate with each other electronically, they safeguard access to this information. They also delete or destroy the information when they

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no longer need it. They do not unnecessarily share personal information.

Civil authorities might challenge the confidentiality required of a priesthood leader. If this occurs in the United States and Canada, the stake president seeks legal advice from the Church's Office of General Counsel:

1-800-453-3860, extension 2-6301

1-801-240-6301

Outside the United States and Canada, the stake president contacts the area legal counsel at the area office.

32.4.5

Reporting to Government Authorities

Some people who are repenting have broken civil or criminal laws. In some cases, government authorities are not aware of this. Bishops and stake presidents encourage members to follow the law and report such matters when required. Leaders also counsel members to obtain competent legal advice when reporting. The Church's policy is to obey the law.

In many places, priesthood leaders are required by law to report some illegal behaviors of which they become aware. For example, some states and countries require that child abuse be reported to law enforcement authorities.

In some countries, the Church has established a confidential abuse help line to assist bishops and stake presidents. These leaders should promptly call the help line about every situation in which a person may have been abused—or is at risk of being abused (see 38.6.2.1). It is available 24 hours a day, 7 days a week.

In countries that do not have a help line, a bishop who learns of abuse should contact his stake president, who should seek guidance from the area legal counsel at the area office.

For more information about reporting abuse, see 38.6.2.1 and 38.6.2.7.

DETERMINING THE SETTING FOR HELPING A PERSON REPENT

32.5

Settings for Helping a Person Repent

After becoming aware that a member has committed a serious sin, a bishop or stake president takes steps to protect others. He also seeks the guidance of the Holy