



The Top 5 Reasons Churches and Religious Organizations Go to Court

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- This list is not speculative.
 - It is based upon tens of thousands of state and federal court decisions read and categorized by attorney, CPA, and senior editor Richard Hammar, spanning nearly four decades.

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#1: The Sexual Abuse of a Minor

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Hammar's 14-step prevention plan includes:

- Personal interview
- Written application
- Institutional references
- Six-month rule
- Benchmarking with charities and public schools
- Two-adult policy
- Criminal background check (including offender registries)
- Prompt reporting of suspected abuse
- Addressing high-risk behaviors (grooming)
- Active supervision
- Ongoing training: *Reducing the Risk*

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Related development:

- States continue to expand or eliminate the statutes of limitations for minors injured by sexual abuse/molestation.
- This means decades-old claims can be brought with greater ease against churches and ministries.
 - 50 states eliminated statutes of limitation for *criminal* claims.
 - 18 states eliminated them for *civil* claims.
 - 27 enacted “revival statutes” that “revive” claims that expired under prior law.

#2: Property Disputes

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- Generally arise when a local church breaks up with a parent denomination or a local church experiences a split.
- Incredibly complex body of law dating back to the 1871 case *Watson v. Jones* decided by the US Supreme Court.
- Two key factors (among many): Church polity (congregational v. hierarchical) and dispute resolution procedures written into deeds, trusts, governing documents of local churches and denominational agencies, and more.

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#3: Personal Injury

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- Invitees (highest duty), Licensees (minimal duty), and Trespassers (no duty): With churches, courts usually find church visitors to be licensees (MI Supreme Court). Some have found them to be invitees.
 - If “invitees”: Correcting known problems, inspecting regularly, and warning of known hazards (most common).
 - If “licensees”: Correcting known problems and warning of known hazards.
 - Some courts: Reasonable care is the standard (victim’s status is just one consideration).
- Common risks: Youth groups, wet floors, missions trips, retreats.
- Tools: Insurance, maintenance/groundskeeping.

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#4: Zoning

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- Municipalities, authorized by their state governments, set zoning laws dictating building types and uses allowed in geographic areas.
- Residential: Traditional (majority) view has allowed churches. But increasing challenges (traffic, cell towers, NIMBYism).
- Commercial: Numerous challenges (property and sales tax exemptions).
- Protections:
 - Constitution (First Amendment/Free Exercise; Section 1983 (monetary damages)).
 - RLUIPA (differential treatment; substantial burden/compelling interest).

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#5: Insurance Coverage Disputes

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- The two most common:
 - Coverage exclusions. **Read your policies and regularly review them.**
 - Duty to notify: **Read the fine print!**
- Types of insurance you'll likely need: Property, Liability (slips and falls), Vehicles, Counseling, Employment Practices, D&O, Theft, Foreign Travel, Umbrella (\$ coverage beyond policy limits), and Workers' Compensation.

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