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Man Sues Church for Being Put on Prayer List

[Raul Rivera](#) - September 6, 2012 04:55PM

For months, Jude worked on building the church's website. As a volunteer, he could only work on it during nights and weekends. A talented web developer, he built a really nice website and added some functionality to it such as online giving, real-time church calendars, and prayer requests. All submitted prayer requests were first screened by someone in church leadership and then approved for posting. When the church worship leader was hospitalized, many of the church members were concerned and visited him. The only thing they knew was that he was suffering from depression. However, when someone close to him posted the full details of his condition on the church online prayer list and the church approved it for public viewing, his family became concerned. **The viewing read as follows:**

Please pray for Minister XYZ; he suffers from depression linked back to the days of his childhood when a close family member sexually abused him. I know that God has a plan in all of this as he overcomes feelings of rejection and hate.

Though it was the responsibility of the church board secretary to screen each request, she admitted that she did not read the entire post before she approved it.

While the hospitalized worship leader objected to the church for allowing such a post, he did not take any legal action against the church. But could he? **Let's take a look at one man who did take legal action.**

What was meant for good led to liability

When publishing prayer requests, a church needs to consider the legal consequences of such a list. **Is it possible for the list to publish information regarding the private lives of its members that should be kept private?** That is exactly what happened to a church in Ohio. In the case *MITNAUL, v. FAIRMOUNT PRESBYTERIAN CHURCH*, Mr. Mitnaul argued that the church's publication of his medical condition was a violation of his privacy. The church posted the following entry on its website.

"We have good news for you! Bryan Mitnaul is returning to Fairmount after a long medical leave of absence. Since the summer of last year, Bryan has been treated for bi-polar illness; a condition that at times has resulted in serious depression for him. Various therapies and medications have been tried, and finally, after much experimentation, his health has improved considerably. For that we are all very happy."

After his recovery he filed a suit against the church, claiming the church invaded his privacy. The court ruled that "An actionable invasion of the right to privacy is the . . . publicizing of one's private affairs with which the public has no legitimate concern, or the wrongful intrusion into one's private activities in such a manner as to outrage or cause mental suffering, shame, or humiliation to a person of ordinary sensibilities." The appeals court, in approving his claim for trial, stated, "Information about his bi-polar illness could be viewed as offensive or objectionable to a reasonable person."

The church's responsibility

Information about church members and even non-members often times ends up on a church prayer list. While a list is usually a good way for the church to lift those up to the Lord in prayer, it must also take into consideration the legalities and liabilities that could occur. Below is a list of things to consider when publishing a prayer list.

Website prayer list: When a church publishes anything online, the world is the potential audience. Therefore, leadership must consider who will have access to such information and what policies govern what is published.

1. The person making the post must state that he/she is whom he/she says.
2. The person making the post must state whether he/she is a member.
3. The person making the post must agree to have his/her name posted as the one making the request.
4. The person making the post is aware that church personnel will review the post and that the church reserves its right to not publish the request.

Church program/bulletin: Since this list has a limited audience, potential liability resulting from such a list is minimized. Praying for each other is a fundamental tenet of the Christian faith and courts are less likely to view such practice as invasive, especially if the church establishes "**implied consent.**"

What is implied consent?

Implied consent is different from written consent in that a person infers implied consent based on the facts and circumstances of a particular situation. Your church can establish implied consent by doing two things as stated below.

1. **Notice publications:** This is useful in that it informs the church members and others who attend that from time to time the church publishes a prayer list, and that if anyone wishes not to be part of such list, he/she should please inform the church secretary.

2. Mutual interest clause: Amend the church's constitution and bylaws to ensure that the mutual interest clause is included. This clause states that actions whether in the church or out of the church are of mutual interest to the other members. **This approach has the strongest foundation** because anyone wishing to become a member should sign a membership application in which they agree with church's bylaws, which contain the mutual interest clause.

Where is the church headed?

More and more we are seeing churches change the way they do church because the potential of liability scares them. **We believe that by becoming informed** we can make decisions to increase the church's role in society instead of shying away. We believe that our [conferences](#) have led hundreds of churches to better engage the community by implementing the Ultimate Church Structure™. It is one way to be wise as a serpent and gentle as a dove.



About the Author

Church Planter. Speaker. Author. CEO. Raul Rivera has had ample experience in the church planting world. His current venture, StartCHURCH has helped 1000's of churches get started on the right legal foundation. Raul has compiled an array of manuals and software tools that help churches stay compliant with the IRS. He also hosts over 35 national conferences per year, training Pastors on how to launch their church legally. Raul is married to his wife Genel, and they and their five children live in Atlanta, GA.