

Law & Ministry Update



The latest news about emerging legislative and judicial developments affecting Christian ministries.

Volume 4 — November 2025

FEATURED ARTICLE

Can ministries face liability for failing to protect guests from danger?

Are your security volunteers
legally protected?

Can safety shortcuts put ministries
at financial risk?

Plus, two additional federal cases and a state case
that could have implications for your ministry.

Preparing for the Road Ahead

In volume 4 of Law & Ministry Update, the Legal Assist team explores:

- Case Spotlight: How outreach without planning for safety can lead to regrettable and costly outcomes.
- How recent cases affirm religious liberty and ways ministries can protect their people and reduce liability.
- Watch the Podcast: Join attorneys from Brotherhood Mutual as they provide key insights to help ministries consider the implications of providing for the physical security of their ministries and people.
- Additional cases: Visit the Law & Ministry Update webpage to see what was reviewed earlier in 2025.

Read the case reviews. Watch the podcast.

Get it all at www.brotherhoodmutual.com/legal-assist/update

Welcome to Law & Ministry Update

Brotherhood Mutual's newest resource is here to help ministries understand rapidly developing challenges that could affect their organizations. The team from Legal Assist is monitoring cases and legislative changes to provide ministries with timely updates and actionable insights from an insurance and risk management perspective. From Supreme Court rulings to emerging state laws, the goal is to inform and empower ministries to adapt and thrive in an increasingly complex legal environment.

Legal Assist is a free, ministry-focused service that provides access to Brotherhood Mutual's in-house team of legal professionals. They provide complimentary risk management guidance to your questions about ministry-related legal issues, including facility use, abuse prevention, employment, security, contracts, waivers, governance, and many others. Visit www.brotherhoodmutual.com/legal-assist to get started.

Brotherhood Mutual is pleased to provide Legal Assist as a complimentary resource. Services through Legal Assist aim to provide general risk management guidance to our current and prospective policyholders.

While the information provided in this resource is intended to be helpful, it does not constitute legal advice and should not be used as a substitute for advice from a licensed attorney in your area. Please note that no attorney/client relationship is established through this process, and no legal advice will be provided. We strongly recommend regular consultations with a licensed local attorney as part of your risk management program.

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State Case

Case #1: Local Implications

Paulson v. Grace Baptist Church

Do ministries have a duty to protect guests from danger?

When tragedy struck a homeless shelter operating on church-leased property, it sparked questions about duty and responsibility. The case illustrates a critical reality: outreach without adequate safety measures can expose ministries to significant legal consequences.



What You Need to Know

In November 2020, John Paulson was fatally stabbed and James Chelley seriously injured at a San Jose homeless shelter operated by the nonprofit, Grace Solutions, which leased the property from Grace Baptist Church. The attacker, Fernando Lopez, was a shelter resident with a known history of violence.

A lawsuit filed by Paulson's widow and Chelley alleged that both the nonprofit and the church—the lessor—were aware of Lopez's prior assaults but failed to take appropriate action. According to the complaint, they did not remove Lopez from the shelter, warn other residents, or provide the promised security—failures that the plaintiffs claimed directly led to Paulson's death and Chelley's injuries. They sought damages for wrongful death, negligence, loss of consortium, and punitive damages, arguing that the defendants acted with conscious disregard for resident safety.

After three years of time-consuming litigation, the case was resolved through a confidential settlement and was officially dismissed.



Why This Matters

For churches and ministries serving vulnerable populations, the Paulson case serves as an important reminder—good intentions alone do not protect organizations from potential legal liability. When ministries invite individuals into their care—whether through shelters, recovery programs, or meal services—they assume a duty to provide a reasonably safe environment. This responsibility can apply even if your church or ministry is not directly operating the program.

Courts can hold ministries accountable when they do not implement sufficient safeguards or fail to have others do so—especially if staff or volunteers know about credible threats or patterns of violence. The Paulson case highlights how overlooking such risks can lead to negligence claims and significant legal exposure.

What Your Ministry Can Do

- 1. Facility Use Contracts:**
Agreements with outside entities should specify the scope of allowed activities, responsibilities for maintenance and security, insurance needs, indemnification protection, and expectations for conduct and oversight.
- 2. Develop Clear Safety Policies:**
If engaged in outreach ministry, it is critical to establish clear procedures for handling threats, emergencies, and behavioral issues. Ensure staff and volunteers have been trained in de-escalation, first aid, and emergency response.
- 3. Document Incidents Thoroughly:**
Keep comprehensive records of all reported incidents, confrontations, or threats to establish a clear chronology and help identify individuals who pose a risk of harm.

Court: Superior Court of California, County of Santa Clara

Status: The plaintiffs' claims were settled via confidential agreement earlier this year, and the lawsuit was dismissed.

Date: June 14, 2023 (amended complaint filed)

Federal Case

Case #2: Regional Implications

Bates v. Pakseresht

Can the state deny the right to adopt based on religion?

When a Christian mother's faith inspired her to open her home to a child in need, she never expected that the same faith might disqualify her from doing so. In *Bates v. Pakseresht*, the Ninth Circuit Court of Appeals examined whether Oregon's adoption rules—which require parents to affirm the sexual orientation and gender identity that the child chooses—can lawfully exclude applicants whose religious beliefs differ from the state's position.

What You Need to Know

Jessica Bates, a Christian widow and mother of five, applied to adopt a child through Oregon's Department of Human Services (ODHS). During the process, officials told her that state policy requires adoptive parents to “respect, accept, and support” the sexual orientation and gender identity that the child selects.

Because Bates' religious convictions prevented her from using pronouns that conflict with a child's biological sex, or supporting medical procedures related to gender transition, the state denied her application—before she was ever matched with a child.

Bates sued, arguing the policy violated her First Amendment rights to free speech and religious exercise. The Ninth Circuit agreed that her claims were likely to succeed, ruling that Oregon's rule was not “narrowly tailored” to its stated goal of protecting children and instead imposed an unconstitutional ideological test. The decision allows Bates' adoption application and lawsuit to move forward in the district court.



Why This Matters

The Bates ruling reaffirms an expanding legal principle: The government is not permitted to compel private citizens to endorse beliefs that conflict with their conscience as a condition of participating in a government-sponsored program.

This Ninth Circuit decision also parallels *Chiles v. Salazar*—a case involving Colorado's ban on “conversion therapy” in a counseling context that was covered in Volume 1 of Law & Ministry Update and is now before the U.S. Supreme Court. Both cases raise the same fundamental question: Can the state compel ideological conformity at the expense of First Amendment freedoms? The Bates decision offers a timely reminder that faith-based service in public life should remain free from unreasonable government intrusions.



What Your Ministry Can Do

- 1. Review Policies:** Ensure your ministry's foundational documents and employee/volunteer handbooks clearly articulate your religious mission and beliefs regarding human sexuality and gender identity.
- 2. Document Interactions:** Maintain detailed records of any interactions with state agencies regarding adoption, foster care, or other licensing, especially where religious accommodations are requested or denied.
- 3. Seek Counsel:** Monitor ongoing legal developments and consult counsel before signing contracts or certifications that might compromise the ministry's convictions.

Court: United States Court of Appeals for the Ninth Circuit

Status: The Ninth Circuit's decision allows Jessica Bates' lawsuit to move forward. The case now returns to the federal district court for additional proceedings.

Date: July 24, 2025 (decision issued)

State Case

Case #3: State Implications

Lopez v. Catholic Charities

Can ministries be held liable for poorly-planned employee safety drills?

A recent Nebraska Supreme Court case reminds ministry leaders that even the best safety plans can backfire if not carried out with care. What began as an active shooter training drill at a Catholic Charities office ended in real injury, trauma, and a court case that reached the state's highest bench.



What You Need to Know

Sandra Lopez, an employee of Catholic Charities of the Archdiocese of Omaha, experienced a surprise active shooter drill at her workplace in 2022. With no warning that the event was a simulation, Lopez heard pounding on doors, was told a shooter was in the building, and saw what appeared to be a coworker lying dead outside. Terrified, she fled the building and jumped from a retaining wall, injuring her back. She later sued Catholic Charities for assault and intentional infliction of emotional distress, arguing that leaders had deliberately caused fear and injury.

The lower court dismissed Lopez's case, ruling that, having been injured on the job, her only option was to file for workers' compensation. Lopez appealed, claiming that since her employer intentionally caused the fear and injury, she should be allowed to sue. The Nebraska Supreme Court disagreed, finding that workplace injuries are still covered by workers' compensation—even when the employer's actions were deliberate.



Why This Matters

This decision serves as both reassurance and warning for ministries. While it limits employer exposure to certain lawsuits in Nebraska, it underscores how safety initiatives can unintentionally harm employees if executed poorly. Even well-meaning efforts to protect staff—such as active shooter drills or emergency simulations—can have significant physical and emotional consequences. Courts may regard resulting injuries as grounds for workers' compensation claims, rather than civil suits. Still, surprise drills can damage morale, trust, and the well-being of those who serve. Safety exercises should always be designed and communicated in a responsible manner.

What Your Ministry Can Do

- 1. Announce Drills in Advance:** Always give clear, advance notice that an event is a drill and not a real emergency to reduce panic and the risk of trauma or injury.
- 2. Consult with Experts:** Consult with local law enforcement or a safety professional to design realistic, yet trauma-informed training scenarios that avoid graphic staging that can trigger severe reactions.
- 3. Provide Post-Drill Support:** Conduct an immediate debriefing session and consider offering resources for mental health support following any emergency preparedness exercise to address potential emotional distress.

Court: Supreme Court of Nebraska

Status: The Nebraska Supreme Court's decision is final. The ruling affirmed the dismissal of the lawsuit, and no further appeals are pending.

Date: July 29, 2025

State Law

Case #4: Local Implications

Are your security volunteers legally protected?

Many pastors and ministry leaders worry about what could happen if a volunteer steps in to stop a threat. Even when someone acts responsibly and in good faith, the risk of a lawsuit can make ministries hesitant to organize or empower volunteer security teams. Idaho recently addressed this concern with new legislation designed to protect both volunteers and the ministries they serve when responding to threats or acts of violence.

What You Need to Know

Idaho's House Bill 601 (2024) grants civil immunity to volunteer security personnel serving in religious organizations and the ministries that oversee them. In simple terms, immunity means these individuals and organizations generally cannot be sued for damages if they use reasonable force to protect others, even when that includes lethal force. The law allows this protection to be asserted early in court proceedings, often stopping a lawsuit before it advances and sparing ministries from the cost and stress of prolonged litigation. HB 601 also extends this protection to the ministry itself, recognizing that churches and faith-based organizations often sponsor or supervise volunteer security efforts. The protection applies only to reasonable, good-faith actions taken to defend others, ensuring that well-intentioned volunteers and ministries are not punished for making swift, necessary decisions in moments of crisis.



Why This Matters

This new Idaho law reflects a growing national movement to protect good-faith volunteers serving in churches and ministries. Across the country, more states are adopting—or considering—laws that shield volunteers from civil liability when they serve religious or charitable organizations. Some focus broadly on volunteer service, while others address security activities specifically. Despite these differences, the shared goal is clear: to help ministries plan for safety without constant fear of being sued.

Although this law applies only in Idaho, it signals a recent trend in public policy. Lawmakers nationwide are beginning to recognize the unique challenges of keeping places of worship and faith-based programs safe. For pastors and ministry leaders everywhere, Idaho's HB 601 is both an encouragement and a sign of momentum toward greater legal support for faith-driven service.



What Your Ministry Can Do

1. **Review Security Policies:** Even where immunity laws exist, well-documented policies that are clearly written and updated help demonstrate that your volunteers act under guidance and accountability.
2. **Clarify Volunteer Roles and Training:** To support legal protections, define who is authorized to serve in a security capacity and what level of training or certification is expected.
3. **Stay Informed About State Laws:** Idaho's HB 601 reflects a growing national trend toward shielding volunteers from liability. Track legislative developments in your own state and consult legal counsel or your insurer.

Status: The legislation is currently in full force and effect. As of this writing, there have been no reported legal challenges or amendments that have altered the law's status.

Date: July 1, 2024

State Case

Case #5: Local Implications

Salliotte v. Ford Motor Company

Ministry road trips: Can ignoring safety prove costly?

When tragedy strikes on the road, courts often face a complex question: who bears responsibility—the vehicle manufacturer or the organization that owns and operates the vehicle? In *Salliotte v. Ford Motor Company*, a Florida jury weighed that very issue after a fatal van accident involving a church group. The outcome carries significant lessons for ministries that use 15-passenger vans or that rely on volunteers to transport congregants.



What You Need to Know

Members of First Baptist Church of New Port Richey were traveling to a retreat in a 15-passenger Ford van when a rear tire failed, causing the vehicle to roll over. The crash killed the driver and one passenger and left another severely injured. The plaintiffs argued that Ford's van design was dangerously unstable and prone to rollovers, particularly when fully loaded, and that both Ford and the church ignored known safety warnings. They alleged the church failed to maintain the van properly, train volunteer drivers adequately, and ensure consistent seatbelt use. Seeking compensation for wrongful death and injuries, the plaintiffs asked the jury to hold both Ford and the church liable.

In March 2018, the jury agreed—awarding \$25.9 million in total damages, with 28% of the fault, about \$7.3 million, assigned to the church.



Why This Matters

For churches and ministries, this case is a reminder of how quickly a ministry trip can turn into tragedy—and how courts may view responsibility when it does. Many churches and ministries use older or donated vans without realizing how the design, weight distribution, and maintenance history of the vehicle can affect passenger safety. Courts expect ministries to take similar precautions as commercial carriers when transporting groups. Neglecting tire inspections, seatbelt enforcement, or driver training can not only endanger lives but also expose ministries to multimillion-dollar liability. This verdict serves as a warning for ministries operating similar vehicles or using volunteers to provide transportation.

What Your Ministry Can Do

1. **Review Vehicle Safety:** Schedule regular professional inspections for every ministry vehicle—especially tires, seatbelts, and brakes. Keep written maintenance logs and replace tires that show any age, wear, or uneven tread, regardless of mileage.
2. **Train Every Driver:** Require all volunteer and staff drivers to complete van safety training that covers weight limits, passenger distribution, emergency handling, and seatbelt enforcement. Review this training annually.
3. **Adopt Safer Practices:** Avoid overloading vans, limit roof cargo, and use smaller vehicles or licensed transportation providers when possible.

Court: Sixth Judicial Circuit Court of Florida

Status: A Florida jury awarded \$25.9 million in 2018, holding Ford and the church partly liable. The church's share was 28% (\$7.3 million), and the case has seen no major updates.

Date: March 15, 2018 (verdict rendered)

Federal Case

Case #6: National Implications

Besaw v. Commissioner

Do tax deductions for donated items require proper documentation?

Many donors assume a signed receipt is enough to claim a tax deduction for donated goods. But a recent Tax Court decision shows how missing details—even on legitimate gifts—can wipe out the entire deduction. Ministries that regularly receive donated items should take note: helping donors to correctly document their gifts protects their generosity.



What You Need to Know

In *Besaw v. Commissioner*, the U.S. Tax Court denied a taxpayer's \$6,760 deduction for noncash charitable donations—not because he failed to give, but because his paperwork fell short. Mr. Besaw donated household items to several charities and received receipts signed by employees. However, the sections describing what he gave were left blank.

When the IRS audited him years later, he provided reconstructed lists of the items, their values, and dates. The court acknowledged his sincerity but ruled that these after-the-fact records didn't meet the IRS's requirement for contemporaneous documentation. As a result, the court disallowed the entire deduction, upholding the IRS's ruling. The case is final and cannot be appealed.



Why This Matters

This decision highlights how ministries play a vital role in protecting their donors' tax benefits. When documentation is incomplete, the IRS may deny those deductions, damaging donor trust and discouraging future generosity.

In Our Next Issue

Can religious schools freely follow their convictions in education and athletics?

Recent legal battles reveal growing tensions between faith-based policies and state regulations—from preschool licensing to sports participation—raising critical questions about religious liberty, gender identity, and government authority in education.

Visit us at brotherhoodmutual.com/legal-assist/update

What Your Ministry Can Do

- 1. Provide Complete Receipts:** Ensure every acknowledgment for donated goods includes your organization's name, the date and location of donation, and a detailed description of each item received. For donations of \$250 or more, include a statement confirming whether any goods or services were provided in return.
- 2. Train Staff and Volunteers:** Educate all personnel who handle donations about IRS documentation rules and ensure receipts are completed at the time of contribution.
- 3. Maintain Records:** Keep digital and paper copies of all donation records for at least three years, so you can verify what was received if questions arise later.

Court: United States Tax Court

Status: The Tax Court entered final judgment for the IRS regarding the denied deduction. The case is closed with no further avenue for appeal.

Date: July 21, 2025 (decision issued)