

12.9.2020

In 2019, the mother of a child whose father brought him to a Baltimore-area Catholic church to be baptized filed a lawsuit in the Circuit Court for Anne Arundel County against the Archdiocese of Baltimore and others, alleging that the baptism had not been performed in accordance with the “doctrine, requirements, and standard preparation steps” required by the Archdiocese, and presenting related tort claims. The lawsuit sought unspecified damages in excess of \$75,000.

A team of Gallagher lawyers filed a motion to dismiss the complaint in its entirety, arguing that the Court lacked subject matter jurisdiction to hear Plaintiff’s claims because civil courts are prohibited under the “church autonomy doctrine,” a corollary to the First Amendment’s Establishment Clause, from adjudicating claims that would require courts to interpret or apply religious doctrine. On December 9, 2020, the Circuit Court agreed with our arguments and dismissed the case with prejudice. The Court wrote that it would “have to analyze Catholic doctrine to understand how and when a baptism may be performed, as well as what level of consent is required by Church law.” The Court found that analysis “foreclosed by the church autonomy doctrine,” as it would amount to an impermissible entanglement between church and state.

The case was significant not only because it appears to have been the first case in the country to involve allegations of, in essence, a “negligent baptism,” but also because the Court dismissed the case before any discovery had occurred. The successful outcome serves as a helpful precedent for other religious congregations in the area of First Amendment and religious freedom law.

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