

**Mandatory Reporting**  
*(passed by ACC Board June, 27, 2010)*

Maimonides the great Rabbi, Doctor, and Philosopher, taught in the Mishneh Torah (Hoshen Mispat 427:7), “If your house has a flat roof, you must put up a railing strong enough so that a person can lean on it without falling.” This Talmudic pronouncement teaches that we must take seriously our responsibility to care about each other.<sup>1</sup> This means not turning a blind eye when abuse is suspected in the vain hope that it will just go away.

The Babylonian Talmud, in Shavuot 39a, states “*Kol Yisrael arevim zeh bazeh*” – “each one of us is responsible for the other.” As clergy and members of the ACC, we have an even greater obligation to protect and care for the members of our communities who are most vulnerable. The Jewish obligation of *Pikuach Nefesh*, saving a life, compels us to take action in reporting suspected abuse, even where civil law does not hold us responsible as mandatory reporters. Ethically and morally, we are all mandatory reporters.

In *Parashat Mishpatim*, we are mandated to care for the widow and orphan in our midst. This can be taken literally or figuratively; we understand this mitzvah to include all those who are powerless and voiceless within our society. In addition to our obligation as mandatory reporters, we also have the obligation to educate ourselves and our congregations about child abuse, its signs, and what to do when abuse is suspected.

***MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT-DEFINITIONS:***

**Abuse:** The physical injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child’s health or welfare is significantly harmed or at risk of being significantly harmed: or sexual abuse of a child, whether physical injuries are sustained or not.

**Neglect:** The leaving of a child unattended or other failure to give proper care and attention to a child by the child’s parents, guardian, or custodian under circumstances that indicate that the child’s health or welfare is significantly harmed or placed at risk of significant harm.

**Sexual Abuse:** Any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care of custody or responsibility for supervision of a child, by any household or family member. This includes – incest, rape, or sexual offense in any degree, sodomy, unnatural or perverted sexual practices.

**Mandatory Reporter:** A person who is required to report suspected cases of child abuse and neglect. Every State, the District of Columbia, and the U.S. territories have statutes that identify mandatory reporters of child maltreatment and specify the circumstances under which they are to report.

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<sup>1</sup> “The Sacred Obligation of Caring for Others,” Rabbi Robert A. Davis, Temple Beth Sholom, Miami Beach, FL 2003

## ***TO WHOM DO YOU REPORT?***

Abuse, neglect, and suspected sexual abuse shall be reported to the local department or the appropriate law enforcement agency, or the appropriate authorities. This report shall be done by oral report, by telephone or direct communication as soon as possible.

### **Clergy Responsibility to Report:**

The following list is subject to change with state law. Please refer to [www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) to find the most up-to-date information about laws in your State or Territory.

Currently 25 States **include members of the clergy** among those professionals specifically mandated by law to report known or suspected instances of child abuse or neglect.

- Alabama
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Illinois
- Louisiana
- Maine
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nevada
- New Hampshire
- New Mexico
- North Dakota
- Oregon
- Pennsylvania
- South Carolina
- Vermont
- West Virginia
- Wisconsin

Currently, in the following 18 States and Territories **any person** who suspects child abuse or neglect is required to report. This inclusive language appears to include all citizens as well as clergy.

- Delaware
- Florida
- Idaho
- Indiana
- Kentucky

- Maryland
- Mississippi
- Nebraska
- New Hampshire
- New Jersey
- New Mexico
- North Carolina
- Oklahoma
- Rhode Island
- Tennessee
- Texas
- Utah
- Wyoming
- Puerto Rico

**Privileged Communications:**

As a doctrine of some faiths, clergy must maintain the confidentiality of pastoral communications. Mandatory reporting statutes in some States specify the circumstances under which a communication is privileged. “Privileged communications” is the statutory recognition of the right to maintain the confidentiality of such communication. Privileged communications **may** be exempt from the reporting laws. *The privilege of maintaining this confidentiality under State Law must be provided by statute.* Most States do provide the privilege, typically in rules of evidence or civil procedure. If the issue of privilege is not addressed in the reporting laws, it does not mean that privilege is not granted; it may be granted in other parts of State statutes.

*This privilege, however, is not absolute. While clergy-penitent privilege is frequently recognized within the reporting laws, it is typically interpreted narrowly in the child abuse or neglect context.* The circumstances under which it is allowed vary from State to State, **and in some States it is denied altogether.**

To find information on the laws in your State or territories go to:  
[www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm)

To find information on all the States and territories or to order a copy of the full-length PDF:  
 Call 800-394-3366 or 703-385-7565 or download it at:  
[www.childwelfare.gov/systemwide/laws\\_policies/statutes/legymandatedall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/legymandatedall.pdf)

Or Contact:

Child Welfare Information Gateway  
 Children’s Bureau/ACYF  
 120 Maryland Ave. SW  
 Eighth Floor  
 Washington, DC 20024

Email: [info@childwelfare.gov](mailto:info@childwelfare.gov)  
[www.childwelfare.gov](http://www.childwelfare.gov)