

**Columbia Jewish Congregation Policy:**  
**Reporting of Abuse, and Neglect, and Domestic Violence**

**Adopted - February 7, 2017**

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**I. Introduction**

CJC/CJCS (hereafter in this document referred to as CJC to indicate both entities) serves a variety of populations, each of which has its own unique needs. Many children and adolescents participate in CJC activities. This defines the congregation as a young serving organization (YSO). All YSOs should strive for best practice to protect the children in their programs. This protection extends beyond the time a child spends onsite at YSO programs. When suspicions of abuse or neglect arise or when a child makes a disclosure about incidents of abuse (even if the abuse occurs outside the program site), YSOs have a legal and ethical responsibility to take action. It is imperative to report abuse and neglect appropriately to proper authorities for the protection of our children and is required by law in every state.

Children are not the only potential victims of abuse. Elderly victims of interpersonal abuse and neglect and other adults also deserve assistance from their faith organizations as a legal, moral, and/or ethical responsibility.

For purposes of this policy document, a “child” is anyone under the age of 18, and a “vulnerable adult” is defined as a “person aged 18 or over who lacks the physical or mental capacity to provide for her or his daily needs.”

**II. Legal Requirements**

Educators at CJC are required to act in accordance with the code of Maryland for reporting abuse/neglect of children and vulnerable adults. Additionally, any individual who has reason to believe abuse/neglect has occurred is obligated to make a report.

CJC staff members will be informed through mandatory annual training of the State of Maryland’s definition regarding abuse and neglect and reporting requirements. The law states that “each health practitioner, police officer, educator, or human service worker, acting as in a professional capacity in this State:

- (1) Who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency;
- (2) and if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.”

By law, individuals who have reason to believe abuse/neglect has occurred or is occurring must make an oral report to the State as soon as possible and must follow the oral report with a written report within 48 hours (see Appendix for contact information). Maryland law places the responsibility of reporting on the individual, not the institution. The CJC staff member who makes the report should do so in conjunction with his/her supervisor, Educational Director of CJCS, or the Rabbi and/or inform these individuals as soon as possible. The CJC Board President must also be notified by the next business day.

It is not necessary for the reporter to establish definitive proof that abuse/neglect has occurred but only have suspicion to make a report of abuse/neglect (as per Maryland Family Law). Investigations and determinations are left up to law enforcement and Child or Adult Protective Services.

#### Protections for reporters

Maryland Family Law states that the reporting of suspected abuse/neglect is mandated and gives immunity to any individual who reports, in good faith, a suspected incident of abuse/neglect, without risk of lawsuit or other penalty. All reports made are confidential.

#### Penalties

There are penalties for failure to report abuse and/or interfering with a report of abuse/neglect. Staff members represent CJC, and any failure to act or report abuse/neglect could result in the staff member, or CJC as a whole, being held accountable. Possible penalties include, but are not limited to, loss of employment, report made to the appropriate licensing agency, report made to the insurance company, lawsuit, etc. Furthermore, the law penalizes prevention or interference with the making of a report.

#### Exceptions

Maryland Family Law provides exceptions to mandated reporting for communications made to “a minister of the gospel, clergyman, or priest of an established church of any denomination” when the communication is made under the practice of that religious institution, and if the clergyman is bound to maintain confidentiality of that communication by practice. While this exception can include Rabbis, it is important to note that the exception applies solely to the

alleged committer of the crime. The exception does not apply to communications that a Rabbi or other clergy may have with an alleged victim, a child, a third party, or a witness.

### **III. Policy and Procedure**

It is not CJC's role to determine or investigate whether abuse has occurred. Staff members have a legal obligation to make a report when they have reason to believe that abuse or neglect has occurred. Staff members also must not make determinations regarding findings of fact and dispelling whether an allegation is true or false. Prior to making a report, the staff member must obtain the reported facts, to the best of his/her ability, which include:

1. Child's name, date of birth, and current location
2. Child's home address
3. Parent(s') name(s) and date(s) of birth
4. Parent(s') home address
5. Name of alleged offender
6. Basic description of abuse/neglect allegation

Suspicion and reporting of abuse/neglect are sensitive topics, and must be conducted while respecting confidentiality. Out of respect for those lives affected by the suspected incident, the same confidentiality is expected within CJC. As such, a limited number of people will be made privy to the information, discussion, and decision making process. This group shall include the Rabbi, CJC Board President, Educational Director of CJCS (when an issue of concern arises in the school program), and a select few designees appointed by the Executive Committee based on their commitment to the process and/or expertise in this area. When issues arise that are unclear, this group may decide additionally to consult with Chana and/or Baltimore Child Abuse Center (BCAC) and/or call CPS/APS (Child Protective Services/Adult Protective Services) to present the situation as a hypothetical (that is, calling CPS or APS and presenting basic details about a scenario, without providing specific names or other identifying details, and without officially making a report) to get more guidance on how to proceed.

#### **A. Reporting of Abuse/Neglect**

CJC has a two-pronged process to addressing concerns about abuse/neglect: an **internal** process of recording, reporting, and responding to an allegation; and an **external** process for reporting the suspected abuse/neglect to authorities. The purpose of this dual approach is to protect the alleged victim while meeting legal, moral, and ethical requirements.

##### **1. External reporting**

###### **a. For suspected child abuse/neglect:**

- i. Whomever learns of the allegation should share the information with the Educational Director (for CJCS), Rabbi (for non- CJCS CJC issues), or designee (member of the group referenced above) and discuss how to proceed.
- ii. If there is reason to believe abuse or neglect occurred, an oral report must be made immediately to the Child Protective Services office local to where the alleged incident occurred, and a written report must be

made within 48 hours to the same office. The individual who directly obtained the information of concern should make the report. A member of the designated group may assist/ provide support.

- iii. If there is concern that a child is not safe to go home with his/her parent/guardian and CPS is not able to respond quickly enough, this should be discussed immediately with the Educational Director (for CJCS), Rabbi (for non- CJCS CJC issues), or designee (member of the group referenced above), and a determination about whether 911 should be called in addition must be made. Further direction will then be taken from the responding police officer if 911 has been called.
- b. For suspected adult abuse/neglect/exploitation, contact the local Adult Protective Services office in which the person resides by report, letter, or direct communication.
- c. For suspected domestic violence, contact with authorities cannot be made without the alleged victim's consent unless the assault is witnessed. The Rabbi and other members of the designated team will be notified of concerns. A safety plan and list of resources will be provided in a supportive and non-threatening manner to the alleged victim.

## 2. Internal reporting

- a. The designated team (including the Educational Director, if this involves a school-based concern) needs to be made aware of all CPS/APS calls, as well as instances of concern regarding abuse/neglect of children and/or vulnerable adults and domestic violence that do not meet the criteria for external reporting. This group will then determine what steps to take next, including providing support and resources as needed.
- b. A file will be maintained by the designated team and stored securely at the Rabbi's home.

## B. Training of CJC Staff Members

All staff members and volunteers will be trained annually by Chana and/or BCAC on the identification, prevention, and reporting of abuse and neglect. Included topics will be the information contained in this policy document. New staff will be trained within 3 months of hire. Staff members will sign a document acknowledging the practices and rules of CJC and the State and the consequences of not following these rules and regulations.

## C. Background Checks

CJC faculty and staff members will receive criminal background checks, at the expense of CJC, which will be repeated every 3 years. If an individual has a criminal record, the designated team will discuss how to proceed. Depending on the type of offense, staff members will not be hired or may be terminated. The background check reports will be stored in a secure location in the Rabbi's office.

#### D. Documentation

Proper records and record keeping helps protect children and vulnerable adults by laying the ground work for possible identification of patterns of or signs and symptoms of abuse/neglect and allows CJC to show (if necessary) that it followed all the appropriate steps as stipulated by Maryland law. Confidentiality will be maintained. Information obtained, both through the internal and external processes, will be maintained and stored by members of the designated group and at a central location securely.

### IV. Appendix

#### Definitions:

##### Children:

Child abuse: “physical injury, not necessarily visible, or mental 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 harmed or at substantial risk of being harmed.”

Child sexual abuse: “any act or acts involving sexual molestation or exploitation of a child whether physical injuries are sustained or not, by a parent or any other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.”

Child neglect: “the failure to give proper care and attention to a child, including leaving the child unattended by the child’s parents or other individual who has permanent or temporary care or custody, or responsibility for supervision of the child, under circumstances that indicate that the child’s health or welfare is significantly harmed or placed at risk of significant harm.”

Mental injury: “the observable, identifiable and substantial impairment of a child’s mental or psychological ability to function that is caused by the act of a parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child, or by a household member.”

Vulnerable adults: An adult who lacks the physical or mental capacity to provide for personal daily needs and/or self-protection.

Adult abuse: “the sustaining of physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.”

Neglect: “the willful deprivation of adequate food, clothing, medical treatment, or habilitation therapy, shelter, or supervision from a vulnerable adult.”

Self-neglect: “the inability of a vulnerable adult to provide for his/her physical or mental health and well-being.”

Exploitation: “any action which involves the misuse of a vulnerable adult’s funds, property, or person.”

**Documents:**

1. DHR/SSA 180 – State of Maryland Report of Suspected Child Abuse/Neglect
2. Report of Suspected Adult Abuse/Neglect Form
3. Protective Services (PS) contact information

**Source:** <http://dhr.maryland.gov/oas/protect.php>