LEGAL MATTERS
FOR ALL
TZADDI CLERGY

BY AMY SKEZAS

LESSON CORE009
IN THE NEW TZADDI SEMINARY
May the frightened cease to be afraid
And those bound be freed;
May the powerless find power
And may people think of benefiting each other.
—Shantideva, *The Bodhicaryāvatāra*, trans. Kate Crosby & Andrew Skilton

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Manufactured in the United States of America
10 9 8 7 6 5 4 3 2

Published by RoseLight
www.roselight.com

For information about our seminary programs please visit
www.tzaddi.org
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INTRODUCTION

Your Vocational Expression program in seminary culminates in ordination, a spiritual ceremony in which you are given a vibrational attunement and spiritual initiation. Ordination is not only a spiritual event, but, also a social and a legal event. Before your ordination, you are a spiritual seeker and may have a private practice or teach or do other activities as part of your world service. After ordination, this may continue as before, but you have a new status socially and legally: you are a spiritual helping professional formally associated with a legally recognized church.

Respecting the law is part of the Tzaddi culture. The discussion in this lesson is oriented to the legal system of the United States.

THE SOCIAL CONTRACT

The philosophical and political theory of the social contract is that “individuals unite into . . . societies by a process of mutual consent, agreeing to abide by common rules and accept corresponding duties to protect themselves and one another from . . . [various] kinds of harm.” In 1964 the federal U.S. government recognized Tzaddi as a church. This places Tzaddi into the special category of privilege and responsibility that our culture gives to churches under the social contract theory.

Society recognizes churches and those who care for others spiritually through churches as having a special calling, something society nurtures for the greater good of all citizens/our culture. In essence, some of the things that the government regulates in the population at large—in order to protect consumers/the populace from real or perceived harm, and ensure that there are standards of care in place—it does not regulate with regard to churches. Why? In part, as recognition of the importance of what spiritual sustenance offers, but also because the government does not want to get into spiritual matters. In return for these privileges, socially and legally, you are expected to follow certain rules. The government expects you to be accountable to Tzaddi. In its turn, Tzaddi is accountable to the government—specifically, through Tzaddi’s reporting about operations and generally, through following the social and legal rules that churches must follow.

This chapter deals some of the legalities of your position after graduation to help you understand some of the specifics about the privileges and responsibilities of your status. There are many other aspects to the social contract you are making. You study more about such subjects the parts of the seminary curriculum covering relational and
organizational awareness, and in the chapters on our community codes—the ethics code, our policies and procedures, and our at-risk/emergency care guidelines. For now, let’s focus on what you must keep in mind as you practice your spiritual vocation as clergy, in order to maintain your status as a credentialed spiritual helping professional, to stay right with the church and with U.S. law.

THE BASIC DEAL

Your seminary education, your graduation from seminary, and your appointment/the granting of your papers after ordination all provide the starting place for the legal and social authority of your position.

The basic deal is that

your appointment + your ongoing good standing = your authorization

to practice under the protection of Tzaddi doctrine, policy, & procedure.

There is no clergy without a church behind them. You must maintain good standing in Tzaddi in order to receive the protection of being clergy in Tzaddi.

<table>
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<tr>
<th>Healer Counselor ordination empowers and authorizes you to</th>
<th>Administer Divine healing, give inspirational counsel, prophecy for spiritual &amp; temporal well-being</th>
<th>So long as you remain a part of our organization and in good standing (see below)</th>
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<td>Minister ordination empowers and authorizes you to</td>
<td>Administer Divine healing, give inspirational counsel, prophecy for spiritual &amp; temporal well-being, perform sacerdotal functions⁶</td>
<td>So long as you remain a part of our organization and in good standing (see below)</td>
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<td>Doctor of Divinity ordination authorizes and empowers you to</td>
<td>Administer Divine healing, give inspirational counsel, prophecy for spiritual &amp; temporal well-being, perform sacerdotal functions⁷, provide spiritual leadership⁸</td>
<td>So long as you remain a part of our organization and in good standing (see below)</td>
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To maintain good standing you:
1. Abide by the law in your jurisdiction
2. Abide by the Tzaddi parameters of practice as expressed in our community codes⁹
3. Pay your annual dues to Tzaddi and file your annual written report to Tzaddi on time¹⁰
4. Respond promptly to any communication by Tzaddi administrators
5. Keep Tzaddi informed of your current contact information

The basic deal is designed to satisfy:

- Practitioner concerns about having legal standing and support for spiritual work
- Tzaddi’s concerns about fulfilling our spiritual missions
- The government’s concerns about standards of care for consumers (your clients)

Now let’s look at some general rules associated with spiritual direction, spiritual healing, and spiritual counseling, and how they apply. **Note that these concerns apply even if you do not accept money for your work.** Apply these general rules to your particular circumstances.

We will start with “scope of practice,” which means “what you focus on when you work with people.”

**SPIRITUAL HEALING: SCOPE OF PRACTICE**

Spiritual healing is the area in which you are most likely to encounter legal issues about scope of practice. Generally, a spiritual healer provides pastoral care, not medical care. Thus you may not diagnose or treat or cure disease, or prescribe medicines or controlled substances; these are the actions of medical doctors. Your role instead is to assist the client through any stage of the healing process with your ability to be a gateway for a higher vibrational spiritual energy.

Please take consistent care with your language to ensure that you respect this rule and do not open yourself to prosecution for practicing medicine without a license. To describe what you do in your work, use the phrase “spiritual healing” rather than simply “healing.” Appropriate language also helps you interact with your clients and other helping professionals in ways that empower everyone in their respective roles.

Sometimes a client may ask you to carry an inappropriate responsibility. For example, if someone asks you, “Do I have cancer?” you do not have the authority or responsibility to answer that question. You may have feelings about the issue; you may have an “energy read” on the auric field, or other spiritual healing information about the client’s situation—but what you chose to share, and how you word it, are delicate matters. All of the following are examples of inappropriate, diagnostic replies:

- “You have cancer.”
• “You do not have cancer.”
• “You have cancer but it is 30% resolved.”
• “Your cancer is in remission.”
• “Don’t worry, I can cure your cancer.”
• “You have cancer, but have three sessions with me, and you will be well.”

What can you say? Instead of a diagnosis, focus on the healing movement of change, learning, and growth in the client’s system. Use positive speech that is empowering to the client. Keep it simple, clear, and process-oriented rather than result-oriented. Remember that the mind fastens onto things, especially in times of distress. The client may take your words out of context, may obsess about them, etc. While it is the responsibility of a client to discern, remember that in a weakened, vulnerable state, the desire to be fixed or to give responsibility to someone else may be very strong.

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<thead>
<tr>
<th>A DOCTOR</th>
<th>A SPIRITUAL HEALER</th>
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<tr>
<td>Diagnoses and</td>
<td>Evaluates and</td>
</tr>
<tr>
<td>Treats</td>
<td>Offers higher vibrational healing energies to</td>
</tr>
<tr>
<td>Patients</td>
<td>Clients or congregants</td>
</tr>
<tr>
<td>Prescribes</td>
<td>Suggests possibilities</td>
</tr>
<tr>
<td>Is the authority figure</td>
<td>Supports the person’s authority</td>
</tr>
<tr>
<td>Gives a treatment</td>
<td>Offers a session</td>
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<tr>
<td>Is licensed in medicine</td>
<td>Is credentialed in spiritual healing</td>
</tr>
<tr>
<td>Focuses on disease &amp; concepts</td>
<td>Focuses on wholeness, connection, &amp; being</td>
</tr>
<tr>
<td>Fixes, with superior knowledge</td>
<td>Opens client’s self-healing</td>
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**SPIRITUAL COUNSELING: SCOPE OF PRACTICE**

Generally, a spiritual counselor provides pastoral, not psychiatric or psychological care. Thus, you may not diagnose or treat mental disorders; these are the actions of psychiatrists, psychologists, and licensed therapists. Your role is to facilitate the discernment of the Spirit and its movement with your client. Please take consistent care with your language to ensure that you respect this rule and do not open yourself to prosecution for practicing secular counseling without a license. To describe what you do, use phrases such as “pastoral care,” “spiritual counseling,” or “spiritual healing and counseling” rather than simply “counseling.”
In the training framework given to psychiatrists and to many psychologists and therapists, there is a baseline of what is considered to be “normal,” and deviations from that standard fall into the category of “disease.” The focus is on recognizing and diagnosing disease and treating it with therapy and/or pharmaceuticals. In the late twentieth century, a new category of mental health providers, called “counselors,” emerged. These counselors, unlike spiritual counselors, are licensed directly by various states as mental health professionals. They focus on mental health counseling, assessment, teaching, diagnosing, and case management.17

The line between secular and pastoral counseling can be blurry. Twelve-step programs feature surrender to a Higher Power. Some addiction therapy now incorporates acupuncture points derived by Taoist masters. Jungian psychologists routinely explore Eastern spiritual themes. We can celebrate these spiritual aspects of secular counseling, while keeping a clear boundary in our language and behavior so that you are free of any hassle around licensing and authority to practice your work as clergy.

If you have a client who is being treated by a licensed mental health professional, encourage the client to share that they are receiving pastoral care from you. You may ask a client’s permission to contact the mental health professional to discuss the case if it is appropriate. If your clients are on medication, support them in being regular with the medication as directed by their mental health professional and do not suggest they abandon their medication, change dosage, etc. Some clients may benefit from secular assistance such as family counseling, addiction therapy, etc.

| A PSYCHOLOGIST, THERAPIST, A SPIRITUAL COUNSELOR |
| OR PSYCHIATRIST IN MEDICAL MODEL | |
| Diagnoses and | Evaluates and |
| Treats | Offers spiritual wisdom to |
| Patients | Clients or congregants |
| May prescribe or seek | Suggests possibilities |
| prescription of medicine | |
| Is the authority figure | Supports the person’s empowerment |
| Gives a treatment | Offers a session |
| Is licensed in mental health | Is credentialed in spiritual counseling |
| Focuses on disease/concepts | Focuses on wholeness, connection, & |
| | being present in the moment |
| Analyzes, with superior knowledge | Supports client’s self-awareness |
| | and Self-realization |
SPIRITUAL DIRECTION:
SCOPE OF PRACTICE

Generally, a spiritual director provides pastoral care. Tzaddi trains you for your role as a mystical/metaphysical spiritual director—to be present with self and others in spiritual awareness, to create more consciousness and to move into a higher flow.

The essence, the heart, of mystical/metaphysical spiritual direction revolves around your ability to act as a vehicle for higher vibrational spiritual energy to assist others. You open a door of awareness to your own living, embodied experience of the realms of higher consciousness, and especially, the love and creative flow of the Divine, the fundament of order and harmony that underlies all things. Through the power of your observation of the client’s circumstances and your energy and verbal interaction with the client, you heighten the client’s ability to perceive the creative flow of possible higher futures.

Use language that expresses the spiritual nature of your work in ways that are appropriate for the culture and the people you serve, and your own personal spiritual calling. For more detailed information on Tzaddi’s definition of, and examples of, spiritual direction in various contexts, please refer to the lesson Mystical & Metaphysical Spiritual Direction.

EXERCISE: AUTHORITY & RESPONSIBILITY

The previous discussions about scope of practice are, in essence, discussions about authority and responsibility. Spending time in personal reflection to discover your hidden (or not so hidden) issues around authority and responsibility can be important for the success of your spiritual service work. Remember: responsibility can be understood to mean “ability to respond,” and authority comes from the same root as “author,” “the person who originates, invents, gives rise to, or causes something” These matters reach into the heart of your role as a co-creative individual with a spiritual vocation, operating within social contracts.
List some of your fears or “bad dreams” around issues of authority and responsibility.

List any issues you have around rebellion against authority.

Now, ask yourself these questions and make some notes about your answers:

- If a client came to me reflecting this fear or issue, what would I say?
- What would a person have to believe about the world to have this fear or issue?
- How does this fear or issue relate to something that has happened to me before?

**WHAT IS CONFIDENTIAL?**

Although some people may use the terms privacy, confidentiality, and privilege interchangeably, in fact, legally, they mean different things. The rules discussed below are founded in the rules for professional counselors. As a spiritual helping professional much of what you do, even if you work nonverbally part of the time, may be seen as part of a spiritual counseling relationship, and so these rules are important to understand.

**Privacy** is a social term that refers to an individual’s right to be left alone and to decide the time, place, manner, and extent of sharing with others their thoughts, body and behavior issues, or events. Out of respect for privacy, information obtained in a spiritual helping relationship is discussed for professional purposes only with persons clearly concerned with the case. Every effort is made to protect client identity and avoid undue invasion of privacy.

**Confidentiality** is a professional and ethical term. Confidentiality is crucial to developing a trusting relationship with clients. It applies to private information that someone shares with the reasonable expectation that it will not be further disclosed except for the purposes for which it was originally shared. **All information about a client that is obtained in the course of a pastoral helping relationship, including an initial telephone contact, is confidential**, except for the list of exceptions below.

**Privilege** is the narrowest of the three concepts. It is a legal protection against being forced to break a promise or expectation of confidentiality by testifying in legal proceedings.
You must take reasonable precautions to respect the confidentiality rights of those with whom you work or consult. Clients may not understand what is and is not confidential; clarify this at the beginning of your relationship. Mistakes in handling confidential information can be detrimental to the client and can result in criminal action against you and others who access the information. When in doubt, discuss any confidentiality concerns with a properly trained, aware colleague or supervisor. 21

Also, be aware of these exceptions to the general rule of confidentiality. These limits need to be openly discussed with the client at the onset of the spiritual helping relationship and should be part of your written agreement with the client through use of an informed consent form (we provide a sample form in the lesson on Private Practice Business Management for Spiritual Helping Professionals).

• In case of an emergency
• When reimbursement or other legal rules requires disclosure
• When the client is deemed to waive confidentiality by bringing a lawsuit
• When the client consents in writing to disclosure
  o When a client consents for information to be disclosed, it is essential that the client understand the information that will be provided, the individuals or entities to which it will be provided, and the reasons for divulging the information. The best way to accomplish this is to use a written consent form.
• When a law requires reporting an event such as child or elder abuse
  o When state law requires that certain information about a client’s circumstances or behavior be reported, the counselor is obligated to do so. There are laws requiring counselors and clergy to report child abuse; the laws may include sexual, physical, and even psychological abuse and/or neglect. Some states require reporting of suspected child abuse and even gross neglect of a child, as well as abuse of elders, including physical abuse and neglect.
• When there is a duty to warn or protect
  o The duty to warn is a result of a California Supreme Court case, Tarasoff vs. Board of Regents of the University of California, 1976. Although the case was in California, it has affected standards and awareness nationwide. “This decision ruled that when a counselor determines or should determine that a patient presents a serious, violent threat to another person, that counselor has an obligation to protect and warn the intended victim and to notify others, including the police, against such danger.” 22 In 1988 court rulings began to narrow the Tarasoff ruling to apply only to specifically articulated, credible threats to identifiable victims. Subsequent rulings have limited the duty to warn to revealing only the information necessary to accomplish the intended purpose, only to those who absolutely need to know. The duty to warn and protect also applies to the suicidal client. Depending on the circumstances, the
counselor may have to contact law enforcement, emergency medical services, a responsible family member or some other party who is in a position to assist.

**REFLECTION: DUTY TO WARN**

Take a few moments now to think about a situation in which a client says that he will kill someone. Your general obligation to maintain confidentiality is out the window; now you have a legal obligation to warn or protect. Depending on the situation, you may have to contact law enforcement, emergency medical services, a responsible family member or some other party who is in a position to assist.

How do you feel when you think about this possibility?

What will you do if it actually happens? List a series of action steps (write them out). (Hint: Refer to the protocols in the Tzaddi Ethics code for *At-Risk/Emergency Care Guidelines*.)

**DO I SHARE THE INFORMATION?**

If I think it’s a *Yes*, before I share I ask myself:
- Is it in the individual’s best interest for me to share this information?
- Is it my information to share?
- Is the person asking for it legally entitled to the information?
- Is there potential danger to anyone?
- Do I need the support of discussing this situation with a supervisor or colleague?

If I think it’s a *No*, I decline to share the information, for example:
- I avoid sharing with my peers unless it is to benefit the client.
- I direct the inquiry to the original source of information.
- I tell legal officials they need to obtain a court order.

**CONFIDENTIALITY & CHILDREN**

When serving a child there are particular considerations about confidentiality. The child is your client, but is not of legal age; and, your client is dependent upon adults for basic
life care and support, yet, the adults in the child’s life are somehow part of/involved with whatever pattern is causing the child to seek your services. We suggest you follow the following protocol for handling confidentiality issues in working with children:

- Begin with a session with the child’s parents or guardians
- Outline for them what you feel you can offer in this child’s case
- Get feedback from them about what they feel the child needs and what the issues are from their perspective
- Define privacy and confidentiality and explain how important they are for the child’s process to unfold with you
- Be clear that as a general principle, you will maintain confidentiality unless there is a physical danger to the child or to someone else
- For those situations that do not rise to the level of physical danger, but in which you feel you need to share information in the best interests of the child, let the parents know that either you will encourage the child to talk with them, or that you and the child will talk with them together
- In your first session with the child, define privacy and confidentiality and explain that s/he has a right to confidentiality
- Use language the child will understand at his or her level of development
- Promise that what is discussed will not be revealed unless you feel it puts someone in physical danger
- Explain that if something arises that does not meet that standard, but which you feel should be revealed in the best interests of the child, that you will discuss it first with the child so that you can decide together what to do about the information

EXERCISE: CONFIDENTIALITY

As you read these scenarios, be on the lookout for confidentiality issues.

SCENARIO 1
You are at your neighborhood swimming pool. Your neighbor, Stephanie, asks you what you do as a spiritual healer counselor. You think Stephanie would be a great spiritual advisor and to give her a good idea of what's involved in your work, you describe in detail some specifics of one of your recent counseling sessions with a client. You give false names and slightly change the facts in the case. However, as Stephanie hears the altered details of the case, she recognizes the people involved.

SCENARIO 2
Eleven-year-old Johnny runs away from home because he wanted to quit school and in the ensuing process he is put into the care of his aunt because of issues of parental
neglect. His aunt brings Johnny to you for spiritual counseling. In the first session, you and Johnny really connect. At the end of the hour, he says that he needs to tell you something but that you must promise not to tell. You make that promise. Johnny divulges that he and his mother have frequently been victims of his father's violent abuse. You let Johnny know that because of the physical danger to him and his aunt, you will have to break your promise and tell the police what his father is up to, and that you are doing this because you care about and want to protect them, and have a duty to protect them.

Answer these questions for each of the scenarios:

1. Is there a breach of privacy?
2. Is there a breach of confidentiality?
3. How could the disclosure(s) affect:
   a. The client?
   b. The other people in the situation?
   c. You, the spiritual helper?
   d. Tzaddi?

MANDATORY REPORTING

In many jurisdictions, as a spiritual helping professional certified and/or ordained by a church, you may be considered a legally mandated reporter of child abuse, and in some jurisdictions, elder abuse and other forms of abuse as well.24

What is child abuse?
All fifty states have enacted child abuse reporting statues in an effort to protect abused children and prevent future abuse. Child abuse usually is defined to include physical abuse, emotional abuse, neglect, and sexual molestation. A child ordinarily is defined as any person under the age of 18 years. Some states specifically limit the definition of "child abuse" to abuse that is inflicted by a parent, caretaker, or custodian, such a statute, if interpreted narrowly, might not require mandatory reporters to report incidents of abuse inflicted by others, such as custodians, associate ministers, adolescents, or volunteer youth workers. If in doubt, it is better to err on the side of protecting the child.

Who are mandatory reporters of child abuse?
All fifty states enumerate categories of persons who are under a legal duty to report abuse to designated civil authorities. In most states, such "mandatory reporters" must report both actual and reasonably suspected cases of child abuse. Failure to do so is a crime that can be punished with fines and imprisonment. Some states define mandatory reporters to include any person having a reasonable belief that child abuse
has occurred. Obviously, clergy will be mandatory reporters under these statutes. The remaining states define mandatory reporters by referring to a list of occupations. Clergy are specifically identified as mandatory reporters under a few of these statutes. But even if they are not, they may be mandatory reporters if they fall within a listed classification, such as school or childcare workers and administrators, or counselors. In summary, you may have a mandatory duty to report child abuse. You should not assume that you have no duty to report. Clergy who are not mandatory reporters under their state law generally are considered "permissive reporters," meaning that they may report cases of abuse to the designated civil authorities but are not legally required to do so.

The Tzaddi Board of Directors policy is that if clergy in your jurisdiction are mandated reporters, every Tzaddi clergy is a mandated reporter: Spiritual Healer Counselor, Minister, and Doctor of Ministry.

What are the rules where I practice?
It is essential that you know the rules where you practice and how these apply to you. Periodically there is an updated summary of the rules of the fifty states, which the Residing Bishop receives as part of our church’s subscription to the publication Church Law and Tax Report. The Residing Bishop makes this information available to you for free on the clergy web page. Check the table on that page if you have any questions about the rules where you practice.

Immunity from liability
Every state grants legal immunity to reporters of child abuse. This means that a reporter cannot be sued simply for reporting child abuse. However, several states require that the report be based on "reasonable cause to believe" that abuse has occurred. The purpose of extending legal immunity to reporters obviously is to encourage child abuse reporting. However, persons who maliciously transmit false reports can be subject to civil and criminal liability.

How to report
Persons who are legally required to report child abuse generally make their report by notifying the designated state agency by telephone and confirming the telephone call with a written report within a prescribed period of time. Most states have toll-free numbers that receive initial reports of child abuse. The reporter generally is required to

- Identify the child, the child's parents or guardians, and the alleged abuser by name, and provide their addresses
- Give the child's age and
- Describe the nature of the abuse
Consequences for you
If you come to learn of abuse, it can be emotionally intense and you may wish to resolve
the situation “privately” through counseling with the alleged victim or the alleged
offender without contacting civil authorities. If you do, you may face possible criminal
prosecution under state law for failing to comply with the state child abuse reporting law;
and in some states, you may be sued at a later time by the abused child for failing to
report the abuse. If you come to learn of abuse, you may need to take the case to
supervision or go to counseling to give you, as the helping professional, the support you
need and deserve.

MONEY STUFF

Following Tzaddi Principle 17 (we choose to obey the law) means you are expected to
behave in the following ways concerning money.

Report your income and pay your taxes
The money you receive for your spiritual vocational work is subject to income tax.
Contrary to some people’s (mistaken) belief, the fact that you are clergy, and the fact
that the work is spiritual, does not exempt you from tax liability; and although some
people claim otherwise, at this point it is well-established legal doctrine that the income
tax is not unconstitutional or illegal. Disagreeing with government policies is not a valid
excuse for nonpayment of taxes. Keep good records (see the chapter on Private
Practice Management) and hire a CPA or tax consultant to assist you with filing your
income tax returns.

Donations
Although you are a spiritual helping professional, people cannot make tax-deductible
contributions to you personally. If someone wants to contribute money and get a tax
deduction, it must go to a 501(c)(3) corporation or other legal charity. In Tzaddi this
means the donation must go either a chartered Tzaddi light center or to the Mother
Church. In either case, you may not have access to the funds for your personal use, nor
may you receive any kind of kickback for bringing in the donation. The funds may
however be used to run a program that you lead, to get supplies for the light center or
church program where you teach, etc. The funds are to be used for the stated purposes
of the church, rather than someone’s personal benefit.
POLITICS

Neither the church nor any agent of the church may participate or intervene in any political campaign, on behalf of or in opposition to any candidate for public office as part of your activities associated with the church. If you are politically active, make a clear distinction between your personal conscience, and your certified or ordained status. You cannot participate as a representative of Tzaddi, which is barred from such participation. You can participate as a person of faith, pursuing your private, personal political will. So, for example, a Tzaddi minister whose vocational work includes preaching from a pulpit may not exhort congregants to vote for or against a political candidate. Similarly, if for any reason you are involved in lobbying, you participate as a private individual and not as a representative of Tzaddi, which is barred from lobbying activities.

CHANGING YOUR STATUS

If you decide that you no longer want to be associated with Tzaddi, you can choose to change your status at any time. In that case, your spiritual ordination continues (it is everlasting) but your legal and social status change. Similarly, if you fail to fulfill the five requirements on page 4, you can lose your social and legal status, and with that loss, you immediately lose the associated social and legal privileges. If this happens, and later you want to enjoy these privileges again, the Board of Directors may require you to complete the current requirements of the seminary at the time of your application for reinstatement. You can get some credit for your past studies, but the Board wants all reinstated spiritual helping professionals to be current with the present Tzaddi culture and direction of the church.

☞ If you want to keep your credentials but are undergoing a personal challenge or a period of questioning your path, you may want to ask for a sabbatical on your annual report form. A sabbatical is a period (up to 3 years) of rest and reflection in which you maintain all your legal and social privileges and responsibilities. You are still a mandated reporter, must stay in communication with Tzaddi, pay your annual dues, and so forth. When you are on sabbatical, you still must maintain your good standing, just as you would if were actively working. This is a period for you to keep your options open. Note: If you have financial hardship, taking a sabbatical is not the answer, as your annual dues are still owed during sabbatical; the answer is to talk with the office about your circumstances, to work out some kind of payment plan.
☞ If you are clear that you want to stop practicing altogether as an ordained spiritual helping professional it is time to retire. People generally retire because of illness, age, or a change in life direction. (Note: Sometimes, people are experiencing burnout and they do not realize it; in such a case, sabbatical is probably more advisable than retirement, as once you recover, you may well wish to enjoy the social and legal privileges of your certified and/or ordained status once again.) You can retire as clergy and still be part of our extended community, and we hope you will stay connected in that way—to attend teleconference Spirit Gatherings or healing services, in-person events, and so forth. Letting go of your social and legal credentials does not have to mean letting go of the faith community. You are welcome here through the different phases of your life.

☞ You communicate your intentions to change your status to “sabbatical” or “retired” in writing on your written annual report form.

☞ You can also change your status and lose your good standing by failing to keep your end of the bargain, by letting drop any of these items:

- Abide by the law in your jurisdiction
- Abide by the Tzaddi parameters of practice as expressed in our community ethics code
- Pay your annual dues to Tzaddi and file your annual written report to Tzaddi on time
- Respond promptly to any communication by Tzaddi
- Keep Tzaddi informed of your current contact information

If you do drop one of these balls and the office is aware of it, the office will send a warning letter by registered mail to the last known mailing address in our files explaining the situation and giving you a chance to remedy it. If you do not respond, then after 30 (thirty) calendar days from the date of mailing of the notice, you will lose your good standing, and with it, your social and legal authorization from Tzaddi. If you choose at a later time to reinstate your status, you must complete the current requirements of the seminary at the time of your application for re-certification or re-ordination.
SUGGESTED READING

Social Contract
John Locke (1632-1704), Two Treatises of Government. This classic work is available in a variety of editions and forms and you may find it interesting reading, given his visionary scope of thinking, far beyond the constraints of his time. It was in no small part thanks to John Locke that we have the Declaration of Independence and the U.S. Constitution, including the First Amendment, which is so vital to providing you with legal protection for your spiritual vocational work.

Authority & Responsibility

Confidentiality, Informed Consent, Personal Legal Decision Making
Theodore P. Remley, Jr. and Barbara Herlihy, Ethical, Legal, and Professional Issues in Counseling (Upper Saddle River: Merrill Prentice Hall, 2001)

Burnout
NOTES

1 Tzaddi Principle 17: We acknowledge the laws of this society. We take responsibility for having chosen to incarnate and live here and we understand that we have the freedom to move elsewhere if we do not feel in harmony with this society and its laws.

2 Specific laws and regulations can vary from state to state, within a state, even by county or city. To be on top of it, you must investigate your local jurisdiction's particular rules, and if you reside or work outside the United States, the system may be quite different. If you need specific help in a legal wrangle, engage an attorney or for U.S. issues, visit www.nolo.com, an excellent self-help legal website with a great deal of free information on general and specific legal topics. You can create a fine, stable, legal path for your work as clergy:
   1. Spiritually/in growth terms by being aware of your process, and
   2. Practically, by being aware of and attending to your earthly responsibilities.


4 When I was living in a condo in the 1990’s, my neighbors were good, solid middle Americans. I was lucky to receive a red-robed houseguest who was a high Tibetan lama, who did not speak English. He stayed almost a month and in that time the neighbors saw him coming and going in the carport. Although in that condo complex, we kept ourselves to ourselves and did not have much contact with neighbors, one day when I was getting the mail my neighbor sought me out.

   “That man who is staying with you, “ he said tentatively, “What is he doing here?” I started trying to explain but was not getting through. Then the light bulb went off and I said, “He’s a monk, and a teacher of monks, from Tibet who now lives in India.” “Ahl!” said my neighbor. “He’s a holy man!” “Yes,” I said, feeling a sense of palpable relief in him. As soon as he put this strangely costumed and silent man into that mold, he “got it.” What happened next really surprised me. This was before Seven Years in Tibet and before the His Holiness the Dalai Lama won the Nobel Peace Prize and before any mainstream cultural awareness of Tibet. My neighbor said warmly, “We are lucky to have him here.” Without understanding anything at a linear, rational level about my guest’s level of accomplishment, my neighbor understood and felt blessed by the lama’s presence, and because my neighbor had a cultural context in which to put the experience: a holy man, clergy, someone who in some way is good for everyone through a strong or dedicated connection to God/All That Is.

5 Many of the activities we do as spiritual helping professionals potentially overlap with other, regulated professions. For example, if you do bodywork, you may be subject to licensing requirements for massage therapy. If you provide any amount of counseling, you may be subject to education and licensing requirements for psychotherapy or social work counseling. If you provide relief from illness, you may be subject to education and licensing requirements for the practice of medicine. If you do not meet the education and licensing requirements for a given profession, and you are deemed to be practicing that profession, you can be fined, imprisoned, and stopped from practicing your livelihood.
The important thing is that you are educated and licensed to practice your profession: you are a spiritual helping professional, and after graduation and as long as you maintain your side of the bargain, you are considered under the ruling that grants our church legal status. If you can keep your vocational work within the boundaries of what this church and its seminary define as the work of that profession, and you stay in good standing with this church, you are likely to be free to practice your spiritual vocational work without interference from licensing authorities. If someone does attempt to interfere, show him or her your annual good standing card and your certificate(s) of appointment. In many cases, that can make any problem go away.

If you are not truly doing spiritual helping work as put forth in these ordination materials, but are trying to use the church credential as a way of bypassing the social contract expected of other helping professionals, then the credential we provide cannot be of much use to you. Your status as clergy does not give a free pass to do whatever you like, wherever you like. It is a specific credential with specific meaning, and specific privileges and responsibilities.

Providing a spiritual symbol or rite that conveys divine grace, blessing, or sanctity upon the person or group who participates in it, or a tangible symbol that represents an intangible reality. Examples include ceremonies such as anointing, baptizing, child blessing, communion, funerals, holy unions, marriages, last rites, or other sacred rituals appropriate to your spiritual community. In many jurisdictions, only ordained ministers are permitted to perform legally binding marriages.

See previous note for definition.

Spiritual leadership is defined in our faith tradition as holding and transmitting a spiritual vision to a group.

Our community codes have several parts, which are:

- **Ethics Code**
- **At-Risk/Emergency Guidelines**
- **Policies & Procedures**

These codes are posted online and are considered as part of your study materials.

Each year after the Bishop reviews your annual report and processes your fees, your good standing is affirmed by the church with a business-sized, laminated card that grants you authority to practice appropriate to your certification and ordination level. The card expires at the end of the calendar year each year. You can present this card at hospitals, prisons, county clerk offices, and other institutions if you are asked to show your credentials.

Tzaddi Vision Statement: Tzaddi welcomes and supports people in experiencing the infinite, loving, co-creative presence of the Divine.

Tzaddi Mission Statement:

- We encourage development of the psychic and spiritual gifts of higher consciousness.
- We offer long-distance and in-person gatherings for fellowship and worship, and programs for metaphysical spiritual education.
- We ordain and appoint metaphysical clergy to offer spiritual healing, counseling, teaching, and leadership, and to perform sacred ceremonies such as marriages, child blessings, and funerals.

For example, every state strictly regulates the practice of counseling. “The purpose of such statutes is to protect the public against charlatans and quacks who, despite inadequate training and professional
experience, guarantee easy solutions . . . “ National Psychologist Association v. University of New York, 203 N.Y.S.2d 821 (1960). In once case, an undercover officer from the state attorney general’s office went to the home of an ordained minister pretending he was in need of counseling, and received counseling for which he paid a fee on several occasions. The state then charged the minister with practicing psychology without a license in violation of state law. The court dismissed the charges, stating that “No person shall be required to be licensed . . . under this chapter who is a . . . member of the clergy of any religious denomination or sect when engaging in activities . . . for or under the auspices or sponsorship . . . of an established and legally cognizable church . . . when the person rendering the service remains accountable to the established authority thereof.” Friedman v. State, 825 So.2d 1063 (Fla. App. 2002). Richard R. Hammer, J.D., LL.M., CPA, “State Regulation of Psychologists and Counselors Section 4-10, http://www.churchlawandtax.com.

13 “A non-medical practitioner must never advertise, or hold him or herself out to be a "doctor" or "MD" (or "ND" or naturpath, or anything similar). . . . The practitioner must always been careful never to use the words ‘diagnose,’ ‘prescribe,’ ‘treat’ or ‘cure.’” Ralph Fucetola, J.D., In New Jersey the Practice of Nutrition Is Not the Practice of Medicine, www.vitaminlawyer.com. Note that in some jurisdictions, the giving of nutritional advice is limited to medical care providers (doctors, nurses, etc.) and licensed nutritionists. This can cover giving advice about food as well as dietary supplements.

14 Consider having clients sign a Waiver of Liability form for the spiritual healing session work you do . In that form you can educate the client and specify clearly what you do and do not offer. We provide a sample form in the Practice Management chapter. If you do adapt this form for use in your practice, take time to edit it and craft it so that fits your style of communication, as well as accurately reflects the services you offer.

15 “The American Psychiatric Association defines mental disorder as “a clinically significant behavioral or psychological syndrome or pattern that occurs in a person and that is associated with present distress (a painful symptom) or disability (impairment in one or more important areas of functioning) or with a significantly increased risk of suffering, death, pain, disability, or an important loss of freedom” (American Psychiatric Association, 1987, p. xxiii). This definition encompasses persons with acute illness, chronic illness, or personality disorders.” Joseph W. Ciarrocchi, A Minister’s Handbook of Mental Disorders (Mahwah, New Jersey: Paulist Press, 1993), p.4.


17 Counselors generally work from a wellness model rather than a disease model. In the wellness model, mental health is seen as existing on a continuum, with very healthy people on one end of the spectrum and dysfunctional people on the other end of the spectrum. Counselors tend to view the process of interaction with clients as psycho-education, favoring prevention instead of remediation, and empowering clients to problem-solve independently. “Counselors see the client as having both the potential and the desire for autonomy and success in living, rather than having an illness that needs to be remediated. In addition, the goal of counseling is to help the person accomplish wellness, rather than cure an illness.” Theodore P. Remley, Jr. and Barbara Herlihy, Ethical, Legal, and Professional Issues in Counseling (Upper Saddle River, New Jersey: Merrill Prentice Hall, 2001), pp. 20 – 23.

18 It is understood in quantum physics that “the observer affects the experiment.” See for example the discussion of the findings of the Princeton Engineering Anomalies Research (PEAR) laboratory experiments conducted by Dr. Robert Jahn, as described in Diane Goldner’s book Infinite Grace: Where the Worlds of Science and Spiritual Healing Meet (Charlottesville: Hampton Roads Publishing, 1999) pp. 282-293.

The following discussion in this chapter (pp. 9 - 12) is drawn from Randolph K. Sanders, ed., *Christian Counseling Ethics: A Handbook for Therapists, Pastors, and Counselors* (Downers Grove, Illinois: InterVarsity, 1997).

Note that there are different definitions of “confidential” in the laws of different states; some are quite clear and others vague; research the laws of the states where you practice to be sure you are clear about what is required of you. Check the Annotated Laws of the state in which you practice, available in a public library or a law library; ask the reference librarian for assistance.


From the *Integra* manual of Janet R. Nagy, M.P.H., D.D.

The section is drawn from the ongoing online discussion of the topic in *Church Law and Tax Report*.

It is simple to maintain your privileges, and it is expensive to re-acquire them if you lose them. The current administration enacted this policy so that clergy will be attentive to keeping their side of the agreement with the church and with the wider society beyond the church.

Burnout is a real danger for all helping professionals and clergy are not exempt. In burnout, it may be as if you have been “devoured from within by a fiery energy until, like a gutted house, nothing is left. Or we may imagine a person who once carried a current of psychic energy but now, like a burned out electrical conductor, cannot supply power anymore. Or an individual who, like a burned out forest, feels that her power to renew herself has been destroyed.”— John A. Sanford, *Ministry Burnout* (London, England: Arthur James Limited, 1984), p. 4. Burnout can sneak up on you; ordained clergy are particularly susceptible to burnout because of the particular challenges of spiritual service:

- You may experience that your job is never done.
- You may not be able to tell if your work is having any results.
- Your work may be repetitive.
- You may be dealing constantly with other people’s expectations.
- Because you work with people in need, there is a particularly great drain on your energy.
- You may have to deal with people who come to you not for solid spiritual food but for ego “strokes.”
- You must function a great deal of the time in your professional “persona” of being positive and cheerful and uplifting.
- You may become exhausted by failure.


Communicate with the Tzaddi office if you feel burned out, or on your way to burnout.

Our community codes are:

- *Ethics Code*
- *At-Risk/Emergency Guidelines*
- *Policies & Procedures*

These codes are posted online and are considered as part of your study materials.
Each year after the Residing Bishop reviews your annual report and processes your fees, your good standing is affirmed by the church with a business-sized, laminated card that grants you authority to practice appropriate to your certification and ordination level. The card expires at the end of the calendar year each year. You can present this card at hospitals, prisons, county clerk offices, and other institutions if you are asked to show your credentials.