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November 26, 1991

Linda Moore-Cannon, Director  
Arizona Department of Economic Security  
1787 West Jefferson  
Phoenix, Arizona 85007

Re: I91-034 (R91-033)

Dear Ms. Moore-Cannon:

You have asked whether the "Christian Science exemption" provisions of A.R.S. § 8-546(B) mean that a child who is being furnished Christian Science treatment 1) is precluded from being found to be an abused, neglected, or dependent child, and 2) is exempt from the mandatory reporting provisions of A.R.S. §13-3620. The answer in both cases is "no."

A.R.S. §8-546(B) reads as follows:

Notwithstanding any other provision of this chapter, no child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner shall, for that reason alone, be considered to be an abused, neglected or dependent child.

The operative language in the statute is "for that reason alone." Because the statute is clear and unambiguous and applying it will not lead to an absurd or unreasonable result, we must give effect to its plain language. See Janson v. Christensen, 167 Ariz. 470, 808 P.2d 1222 (1991). The plain meaning of the statute is that if a child is being furnished Christian Science treatment, in good faith, by a duly accredited practitioner, that fact standing alone is insufficient to render the child an abused, neglected, or dependent child. If a child's health is placed in imminent danger or is damaged by the action or inaction of the child's parents, the fact that the child is

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being furnished Christian Science treatment does not preclude the child from being considered to be an abused, neglected, or dependent child.

We concur with the language of the Colorado Supreme Court in its interpretation of the identical operative language of its own neglect statute:

In our view, the meaning of the statutory language, "for that reason alone," is quite clear. It allows a finding of dependency and neglect for other "reasons," such as where the child's life is in imminent danger, despite any treatment by spiritual means. In other words, a child who is treated solely by spiritual means is not, for that reason alone, dependent or neglected, but if there is an additional reason, such as where the child is deprived of medical care necessary to prevent a life-endangering condition, the child may be adjudicated dependent and neglected under the statutory scheme.

People in Interest of D.L.E., 645 P.2d 271, 274 (Colo. 1982).

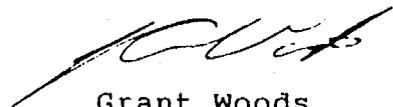
Our conclusion is supported by the legislative history of A.R.S. § 8-546(B), which indicates that the Legislature understood that the provisions of § 8-546(B) would apply only to Christian Science treatment furnished in routine situations and would not apply in unusual situations. See Minutes of meeting of House Committee on Judiciary, Suffrage and Elections, February 10, 1970.

Arizona law requires that any person having responsibility for the care or treatment of children must report suspected abuse or neglect. A.R.S. § 13-3620. Because the Christian Science exemption provisions of A.R.S. §8-546(B) do not preclude a child being treated by Christian Science from being considered to be abused, neglected, or dependent under otherwise appropriate circumstances, the mandatory reporting provisions of A.R.S. §13-3620 apply whenever there is reasonable cause to believe that a child is in imminent danger of being, or is being, abused or neglected, irrespective of whether the child is receiving Christian Science treatment.

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In summary, A.R.S. §8-546(B) acts only to prevent a child from being considered an abused, neglected, or dependent child for the sole reason that the child is being treated by a Christian Science practitioner. It has no effect where the child's health is in imminent danger or is being damaged by the lack of appropriate medical care.

Sincerely,



Grant Woods  
Attorney General

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