



SURVEY OF SELECT STATE AND FEDERAL LAWS PROVIDING VICTIMS' RIGHTS AND PROTECTIONS THAT ARE SPECIFIC TO CHILDREN*

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For additional resources relating to the protection, enforcement, and advancement of crime victims' rights, please visit NCVLI's website at www.ncvli.org.

Please note that in the detailed chart that follows, the text of statutes addressing testimony by closed-circuit television (CCTV), videotaped depositions, and similar accommodations is not provided unless confusion would otherwise result in the context of a particular jurisdiction's laws. The federal statute listed first in this chart is included in its entirety to serve as an example of this type of legislation. The text of statutes providing for rights and protections beyond the use of closed-circuit television and similar accommodations is included within the chart itself for ease of reference. This chart is a survey of select laws and is not intended as an exhaustive resource of all child-victims' rights provisions.

*Please note that each jurisdiction has adopted its own definition of "children," as the term is applied in the context of child-victims' rights and protections.

“Quick Look” Summary Chart: *Comparative Snapshot of Statutes Included in the Detailed Chart*

JURISDICTION	GENERAL CHILD-VICTIMS’ RIGHTS PROVISION?	CCTV TESTIMONY OR SIMILAR ACCOMMODATIONS?	EXPEDITED PROCEEDINGS?	SUPPORT PERSON OR FACILITY DOG?
Federal	✓	✓	✓	✓
Alabama		✓	✓	
Alaska		✓		
Arizona		✓		✓
Arkansas		✓	✓	✓
California		✓		✓
Colorado	✓	✓		
Connecticut		✓		
Delaware	✓	✓	✓	✓
Florida		✓	✓	✓
Georgia		✓		
Hawaii		✓		✓
Idaho				✓
Illinois		✓		✓
Indiana		✓		
Iowa		✓		
Kansas		✓		
Kentucky	✓	✓	✓	
Louisiana		✓		
Maine		✓		
Maryland		✓		
Massachusetts		✓	✓	
Michigan		✓	✓	✓
Minnesota		✓		
Mississippi	✓	✓		✓
Missouri		✓	✓	
Montana		✓		
Nebraska		✓		

JURISDICTION	GENERAL CHILD-VICTIMS' RIGHTS PROVISION?	CCTV TESTIMONY OR SIMILAR ACCOMMODATIONS?	EXPEDITED PROCEEDINGS?	SUPPORT PERSON OR FACILITY DOG?
Nevada		✓		
New Hampshire		✓		
New Jersey		✓		
New Mexico		✓		
New York	✓	✓	✓	✓
North Carolina		✓		
North Dakota	✓			
Ohio		✓		
Oklahoma		✓		
Oregon		✓	✓	
Pennsylvania	✓	✓		
Rhode Island	✓	✓		✓
South Carolina	✓	✓		
South Dakota		✓		
Tennessee		✓		
Texas	✓	✓		✓
Utah	✓	✓	✓	
Vermont		✓		
Virginia		✓		
Washington	✓	✓		✓
West Virginia		✓		
Wisconsin	✓	✓		
Wyoming		✓		

JURISDICTION	STATUTORY PROVISION(S)
Federal	<p><i>18 U.S.C. § 3509 (Child victims' and child witnesses' rights).</i></p> <p>(a) Definitions.--For purposes of this section--</p> <p>(1) the term “adult attendant” means an adult described in subsection (i) who accompanies a child throughout the judicial process for the purpose of providing emotional support;</p> <p>(2) the term “child” means a person who is under the age of 18, who is or is alleged to be--</p> <p>(A) a victim of a crime of physical abuse, sexual abuse, or exploitation; or</p> <p>(B) a witness to a crime committed against another person;</p> <p>(3) the term “child abuse” means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;</p> <p>(4) the term “physical injury” includes lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;</p> <p>(5) the term “mental injury” means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response, or cognition;</p> <p>(6) the term “exploitation” means child pornography or child prostitution;</p> <p>(7) the term “multidisciplinary child abuse team” means a professional unit composed of representatives from health, social service, law enforcement, and legal service agencies to coordinate the assistance needed to handle cases of child abuse;</p> <p>(8) the term “sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;</p> <p>(9) the term “sexually explicit conduct” means actual or simulated--</p> <p>(A) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person;</p> <p>(B) bestiality;</p> <p>(C) masturbation;</p> <p>(D) lascivious exhibition of the genitals or pubic area of a person or animal; or</p> <p>(E) sadistic or masochistic abuse;</p> <p>(10) the term “sex crime” means an act of sexual abuse that is a criminal act;</p> <p>(11) the term “negligent treatment” means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child; and</p> <p>(12) the term “child abuse” does not include discipline administered by a parent or legal guardian to his or her child</p>

provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

(b) Alternatives to live in-court testimony.--

(1) Child's live testimony by 2-way closed circuit television.--

(A) In a proceeding involving an alleged offense against a child, the attorney for the Government, the child's attorney, or a guardian ad litem appointed under subsection (h) may apply for an order that the child's testimony be taken in a room outside the courtroom and be televised by 2-way closed circuit television. The person seeking such an order shall apply for such an order at least 7 days before the trial date, unless the court finds on the record that the need for such an order was not reasonably foreseeable.

(B) The court may order that the testimony of the child be taken by closed-circuit television as provided in subparagraph (A) if the court finds that the child is unable to testify in open court in the presence of the defendant, for any of the following reasons:

(i) The child is unable to testify because of fear.

(ii) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying.

(iii) The child suffers a mental or other infirmity.

(iv) Conduct by defendant or defense counsel causes the child to be unable to continue testifying.

(C) The court shall support a ruling on the child's inability to testify with findings on the record. In determining whether the impact on an individual child of one or more of the factors described in subparagraph (B) is so substantial as to justify an order under subparagraph (A), the court may question the minor in chambers, or at some other comfortable place other than the courtroom, on the record for a reasonable period of time with the child attendant, the prosecutor, the child's attorney, the guardian ad litem, and the defense counsel present.

(D) If the court orders the taking of testimony by television, the attorney for the Government and the attorney for the defendant not including an attorney pro se for a party shall be present in a room outside the courtroom with the child and the child shall be subjected to direct and cross-examination. The only other persons who may be permitted in the room with the child during the child's testimony are--

(i) the child's attorney or guardian ad litem appointed under subsection (h);

(ii) persons necessary to operate the closed-circuit television equipment;

(iii) a judicial officer, appointed by the court; and

(iv) other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child, including an adult attendant.

The child's testimony shall be transmitted by closed circuit television into the courtroom for viewing and hearing by the defendant, jury, judge, and public. The defendant shall be provided with the means of private, contemporaneous communication with the defendant's attorney during the testimony. The closed circuit television transmission shall

relay into the room in which the child is testifying the defendant's image, and the voice of the judge.

(2) Videotaped deposition of child.--(A) In a proceeding involving an alleged offense against a child, the attorney for the Government, the child's attorney, the child's parent or legal guardian, or the guardian ad litem appointed under subsection (h) may apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape.

(B)(i) Upon timely receipt of an application described in subparagraph (A), the court shall make a preliminary finding regarding whether at the time of trial the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, and public for any of the following reasons:

(I) The child will be unable to testify because of fear.

(II) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court.

(III) The child suffers a mental or other infirmity.

(IV) Conduct by defendant or defense counsel causes the child to be unable to continue testifying.

(ii) If the court finds that the child is likely to be unable to testify in open court for any of the reasons stated in clause (i), the court shall order that the child's deposition be taken and preserved by videotape.

(iii) The trial judge shall preside at the videotape deposition of a child and shall rule on all questions as if at trial. The only other persons who may be permitted to be present at the proceeding are--

(I) the attorney for the Government;

(II) the attorney for the defendant;

(III) the child's attorney or guardian ad litem appointed under subsection (h);

(IV) persons necessary to operate the videotape equipment;

(V) subject to clause (iv), the defendant; and

(VI) other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child.

The defendant shall be afforded the rights applicable to defendants during trial, including the right to an attorney, the right to be confronted with the witness against the defendant, and the right to cross-examine the child.

(iv) If the preliminary finding of inability under clause (i) is based on evidence that the child is unable to testify in the physical presence of the defendant, the court may order that the defendant, including a defendant represented pro se, be excluded from the room in which the deposition is conducted. If the court orders that the defendant be excluded from the deposition room, the court shall order that 2-way closed circuit television equipment relay the defendant's image into the room in which the child is testifying, and the child's testimony into the room in which the defendant is viewing the proceeding, and that the defendant be provided with a means of private, contemporaneous communication with the defendant's attorney during the deposition.

(v) Handling of videotape.--The complete record of the examination of the child, including the image and voices of all persons who in any way participate in the examination, shall be made and preserved on video tape in addition to being stenographically recorded. The videotape shall be transmitted to the clerk of the court in which the action is pending and shall be made available for viewing to the prosecuting attorney, the defendant, and the defendant's attorney during ordinary business hours.

(C) If at the time of trial the court finds that the child is unable to testify as for a reason described in subparagraph (B)(i), the court may admit into evidence the child's videotaped deposition in lieu of the child's testifying at the trial. The court shall support a ruling under this subparagraph with findings on the record.

(D) Upon timely receipt of notice that new evidence has been discovered after the original videotaping and before or during trial, the court, for good cause shown, may order an additional videotaped deposition. The testimony of the child shall be restricted to the matters specified by the court as the basis for granting the order.

(E) In connection with the taking of a videotaped deposition under this paragraph, the court may enter a protective order for the purpose of protecting the privacy of the child.

(F) The videotape of a deposition taken under this paragraph shall be destroyed 5 years after the date on which the trial court entered its judgment, but not before a final judgment is entered on appeal including Supreme Court review. The videotape shall become part of the court record and be kept by the court until it is destroyed.

(c) Competency examinations.--

(1) Effect on Federal Rules of Evidence.--Nothing in this subsection shall be construed to abrogate rule 601 of the Federal Rules of Evidence.

(2) Presumption.--A child is presumed to be competent.

(3) Requirement of written motion.--A competency examination regarding a child witness may be conducted by the court only upon written motion and offer of proof of incompetency by a party.

(4) Requirement of compelling reasons.--A competency examination regarding a child may be conducted only if the court determines, on the record, that compelling reasons exist. A child's age alone is not a compelling reason.

(5) Persons permitted to be present.--The only persons who may be permitted to be present at a competency examination are--

(A) the judge;

(B) the attorney for the Government;

(C) the attorney for the defendant;

(D) a court reporter; and

(E) persons whose presence, in the opinion of the court, is necessary to the welfare and well-being of the child, including the child's attorney, guardian ad litem, or adult attendant.

(6) Not before jury.--A competency examination regarding a child witness shall be conducted out of the sight and

hearing of a jury.

(7) Direct examination of child.--Examination of a child related to competency shall normally be conducted by the court on the basis of questions submitted by the attorney for the Government and the attorney for the defendant including a party acting as an attorney pro se. The court may permit an attorney but not a party acting as an attorney pro se to examine a child directly on competency if the court is satisfied that the child will not suffer emotional trauma as a result of the examination.

(8) Appropriate questions.--The questions asked at the competency examination of a child shall be appropriate to the age and developmental level of the child, shall not be related to the issues at trial, and shall focus on determining the child's ability to understand and answer simple questions.

(9) Psychological and psychiatric examinations.--Psychological and psychiatric examinations to assess the competency of a child witness shall not be ordered without a showing of compelling need.

(d) Privacy protection.--

(1) Confidentiality of information.--(A) A person acting in a capacity described in subparagraph (B) in connection with a criminal proceeding shall--

(i) keep all documents that disclose the name or any other information concerning a child in a secure place to which no person who does not have reason to know their contents has access; and

(ii) disclose documents described in clause (i) or the information in them that concerns a child only to persons who, by reason of their participation in the proceeding, have reason to know such information.

(B) Subparagraph (A) applies to--

(i) all employees of the Government connected with the case, including employees of the Department of Justice, any law enforcement agency involved in the case, and any person hired by the Government to provide assistance in the proceeding;

(ii) employees of the court;

(iii) the defendant and employees of the defendant, including the attorney for the defendant and persons hired by the defendant or the attorney for the defendant to provide assistance in the proceeding; and

(iv) members of the jury.

(2) Filing under seal.--All papers to be filed in court that disclose the name of or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall submit to the clerk of the court--

(A) the complete paper to be kept under seal; and

(B) the paper with the portions of it that disclose the name of or other information concerning a child redacted, to be placed in the public record.

(3) Protective orders.--(A) On motion by any person the court may issue an order protecting a child from public

disclosure of the name of or any other information concerning the child in the course of the proceedings, if the court determines that there is a significant possibility that such disclosure would be detrimental to the child.

(B) A protective order issued under subparagraph (A) may--

(i) provide that the testimony of a child witness, and the testimony of any other witness, when the attorney who calls the witness has reason to anticipate that the name of or any other information concerning a child may be divulged in the testimony, be taken in a closed courtroom; and

(ii) provide for any other measures that may be necessary to protect the privacy of the child.

(4) Disclosure of information.--This subsection does not prohibit disclosure of the name of or other information concerning a child to the defendant, the attorney for the defendant, a multidisciplinary child abuse team, a guardian ad litem, or an adult attendant, or to anyone to whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the child.

(e) Closing the courtroom.--When a child testifies the court may order the exclusion from the courtroom of all persons, including members of the press, who do not have a direct interest in the case. Such an order may be made if the court determines on the record that requiring the child to testify in open court would cause substantial psychological harm to the child or would result in the child's inability to effectively communicate. Such an order shall be narrowly tailored to serve the Government's specific compelling interest.

(f) Victim impact statement.--In preparing the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, the probation officer shall request information from the multidisciplinary child abuse team and other appropriate sources to determine the impact of the offense on the child victim and any other children who may have been affected. A guardian ad litem appointed under subsection (h) shall make every effort to obtain and report information that accurately expresses the child's and the family's views concerning the child's victimization. A guardian ad litem shall use forms that permit the child to express the child's views concerning the personal consequences of the child's victimization, at a level and in a form of communication commensurate with the child's age and ability.

(g) Use of multidisciplinary child abuse teams.--

(1) In general.--A multidisciplinary child abuse team shall be used when it is feasible to do so. The court shall work with State and local governments that have established multidisciplinary child abuse teams designed to assist child victims and child witnesses, and the court and the attorney for the Government shall consult with the multidisciplinary child abuse team as appropriate.

(2) Role of multidisciplinary child abuse teams.--The role of the multidisciplinary child abuse team shall be to provide for a child services that the members of the team in their professional roles are capable of providing, including--

(A) medical diagnoses and evaluation services, including provision or interpretation of x-rays, laboratory tests, and

related services, as needed, and documentation of findings;

(B) telephone consultation services in emergencies and in other situations;

(C) medical evaluations related to abuse or neglect;

(D) psychological and psychiatric diagnoses and evaluation services for the child, parent or parents, guardian or guardians, or other caregivers, or any other individual involved in a child victim or child witness case;

(E) expert medical, psychological, and related professional testimony;

(F) case service coordination and assistance, including the location of services available from public and private agencies in the community; and

(G) training services for judges, litigators, court officers and others that are involved in child victim and child witness cases, in handling child victims and child witnesses.

(h) Guardian ad litem.--

(1) In general.--The court may appoint, and provide reasonable compensation and payment of expenses for, a guardian ad litem for a child who was a victim of, or a witness to, a crime involving abuse or exploitation to protect the best interests of the child. In making the appointment, the court shall consider a prospective guardian's background in, and familiarity with, the judicial process, social service programs, and child abuse issues. The guardian ad litem shall not be a person who is or may be a witness in a proceeding involving the child for whom the guardian is appointed.

(2) Duties of guardian ad litem.--A guardian ad litem may attend all the depositions, hearings, and trial proceedings in which a child participates, and make recommendations to the court concerning the welfare of the child. The guardian ad litem may have access to all reports, evaluations and records, except attorney's work product, necessary to effectively advocate for the child. (The extent of access to grand jury materials is limited to the access routinely provided to victims and their representatives.) A guardian ad litem shall marshal and coordinate the delivery of resources and special services to the child. A guardian ad litem shall not be compelled to testify in any court action or proceeding concerning any information or opinion received from the child in the course of serving as a guardian ad litem.

(3) Immunities.--A guardian ad litem shall be presumed to be acting in good faith and shall be immune from civil and criminal liability for complying with the guardian's lawful duties described in paragraph (2).

(i) Adult attendant.--A child testifying at or attending a judicial proceeding shall have the right to be accompanied by an adult attendant to provide emotional support to the child. The court, at its discretion, may allow the adult attendant to remain in close physical proximity to or in contact with the child while the child testifies. The court may allow the adult attendant to hold the child's hand or allow the child to sit on the adult attendant's lap throughout the course of the proceeding. An adult attendant shall not provide the child with an answer to any question directed to the child during the course of the child's testimony or otherwise prompt the child. The image of the child attendant, for the

time the child is testifying or being deposed, shall be recorded on videotape.

(j) Speedy trial.--In a proceeding in which a child is called to give testimony, on motion by the attorney for the Government or a guardian ad litem, or on its own motion, the court may designate the case as being of special public importance. In cases so designated, the court shall, consistent with these rules, expedite the proceeding and ensure that it takes precedence over any other. The court shall ensure a speedy trial in order to minimize the length of time the child must endure the stress of involvement with the criminal process. When deciding whether to grant a continuance, the court shall take into consideration the age of the child and the potential adverse impact the delay may have on the child's well-being. The court shall make written findings of fact and conclusions of law when granting a continuance in cases involving a child.

(k) Stay of civil action.--If, at any time that a cause of action for recovery of compensation for damage or injury to the person of a child exists, a criminal action is pending which arises out of the same occurrence and in which the child is the victim, the civil action shall be stayed until the end of all phases of the criminal action and any mention of the civil action during the criminal proceeding is prohibited. As used in this subsection, a criminal action is pending until its final adjudication in the trial court.

(l) Testimonial aids.--The court may permit a child to use anatomical dolls, puppets, drawings, mannequins, or any other demonstrative device the court deems appropriate for the purpose of assisting a child in testifying.

(m) Prohibition on reproduction of child pornography.--

(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

Fed. R. Crim. P. 49.1(a)-(b) (Privacy Protection for Filings Made with the Court).

(a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper filing with the court that contains . . . the name of an individual known to be a minor, . . . a party or nonparty making the filing may include only: . . . (3) the minor's initials . . . (b) Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following: . . . (7) a court filing that is related to a criminal matter or investigation and that is prepared before

	the filing of a criminal charge or is not filed as part of any docketed criminal case
Alabama	<p><i>Ala. Code § 15-1-2 (Limits on interviews of victims of sexual abuse or exploitation under 12 years of age; confidentiality of court records of victims under 18 years of age).</i></p> <p>(a) The presiding judge of a judicial circuit, after consultation with the district attorney for the judicial circuit may provide for reasonable limits on the number of interviews a victim of sexual abuse or exploitation, who is under 12 years of age, must submit to for law enforcement or other purposes. The judge shall, to the extent possible, protect the victim from the psychological damage of repeated interrogation while preserving the rights of the public, the victim, and the person charged with the violation.</p> <p>(b) The court records of a child under the age of 18 years who is a victim of sexual abuse or exploitation shall not be open to the public, but shall be kept in the same manner as juvenile offender records are kept.</p> <p><i>Ala. Code § 15-25-2 (Prosecution for physical or sexual offense or exploitation involving child under age 16 – Videotaped deposition; who may be present; procedure; protective order).</i></p> <p><i>Ala. Code § 15-25-3 (Prosecution for physical or sexual offense or exploitation involving child under age 16 – Use of closed circuit equipment; procedure; competence of victim as witness).</i></p> <p><i>Ala. Code § 15-25-5 (Use of anatomically correct dolls or mannequins during testimony or deposition of victim or witness under age 10).</i></p> <p>In any criminal proceeding and juvenile cases wherein the defendant is alleged to have had unlawful sexual contact or penetration with or on a child, the court shall permit the use of anatomically correct dolls or mannequins to assist an alleged victim or witness who is under the age of 10 in testifying on direct and cross-examination at trial, or in a videotaped deposition as provided in this article.</p> <p><i>Ala. Code § 15-25-6 (Actions to minimize length of proceedings stressful to child; considerations in ruling on motion for delay or continuance).</i></p> <p>In all criminal cases and juvenile proceedings involving offenses set out in Section 15-25-1, wherein the victim hereof or a witness to the offense is under the age of 16 years, the court and the district attorney shall take appropriate action to ensure a speedy trial in order to minimize the length of time the child must endure the stress of involvement in the proceedings. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being</p>

	of a child victim or witness.
Alaska	<i>Alaska Stat. § 12.45.046 (Testimony of children in criminal proceedings).</i>
Arizona	<p><i>Ariz. Rev. Stat. Ann. § 8-422 (Use of a facility dog in court proceedings; definition); Ariz. Rev. Stat. Ann. § 13-4442 (same).</i></p> <p>A. The court shall allow a victim who is under eighteen years of age to have a facility dog, if available, accompany the victim while testifying in court. A party seeking the use of a facility dog must file a notice with the court that includes the certification of the facility dog, the name of the person or entity who certified the dog and evidence that the facility dog is insured. B. The court may allow a victim who is eighteen years of age or more or a witness to use a facility dog. C. To ensure that the presence of a facility dog assisting a victim or a witness does not influence the jury or is not a reflection on the truthfulness of any testimony that is offered by the victim or witness, the court shall instruct the jury on the role of the facility dog and that the facility dog is a trained animal. D. For the purposes of this section, “facility dog” means a dog that is a graduate of an assistance dog organization that is a member of an organization or entity whose main purpose is to improve the areas of training, placement and utilization of assistance dogs, staff and volunteer education and to establish and promote standards of excellence in all areas of assistance dog acquisition, training and partnership.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4253 (Out of court testimony; televised; recorded).</i></p>
Arkansas	<p><i>Ark. Code Ann. § 16-43-1001 (Testimony of child by closed circuit television).</i></p> <p><i>Ark. Code Ann. § 16-43-1002 (Certified facility dogs for child witnesses).</i></p> <p>(a) As used in this section:</p> <p>(1) “Certified facility dog” means a dog that has:</p> <p>(A) Graduated from a program of an assistance dog organization that is a member of Assistance Dogs International or a similar nonprofit organization that attempts to set the highest standard of training for dogs for the purpose of reducing stress in a child witness by enhancing the ability of the child witness to speak in a judicial proceeding by providing emotional comfort in a high stress environment;</p> <p>(B) Received two (2) years of training; and</p> <p>(C) Passed the same public access test as a service dog;</p>

- (2) “Certified handler” means a person who has received training from an organization accredited by Assistance Dogs International, the American Kennel Club, Therapy Dogs Incorporated, or an equivalent organization on offering the person's animal for assistance purposes and has received additional training on the protocols and policies of courts, the expected roles of the person's animal assistance team, and the expected interaction so as not to interfere with the collection of evidence or the effective administration of justice; and
- (3) “Child witness” means a witness testifying in a criminal hearing or trial whose age at the time of his or her testimony is eighteen (18) years of age or younger.
- (b) Subject to the Arkansas Rules of Civil Procedure, Arkansas Rules of Evidence, or other rule of the Supreme Court, if requested by either party in a criminal trial or hearing and if a certified facility dog is available within the jurisdiction of the judicial district in which the criminal case is being adjudicated, a child witness of the party shall be afforded the opportunity to have a certified facility dog accompany him or her while testifying in court.
- (c) Before the introduction of a certified facility dog into the courtroom and outside the presence of the jury, the party desiring to utilize the presence of a certified facility dog shall file a motion certifying to the court the following information:
- (1) The credentials of the certified facility dog;
 - (2) That the certified facility dog is adequately insured;
 - (3) That a relationship has been established between the child witness and the certified facility dog in anticipation of testimony; and
 - (4) That the presence of the certified facility dog may reduce anxiety experienced by the child witness while testifying in the criminal trial or hearing.
- (d)(1) If the court grants the motion under subsection (c) of this section, the certified facility dog shall be accompanied by the certified handler of the certified facility dog to the witness stand with the child witness in the absence of the jury.
- (2) The jury shall be seated subsequent to the child witness’ and certified facility dog’s taking their places in the witness stand.
- (e) In the course of jury selection, with the court's approval under Rule 32.2 of the Arkansas Rules of Criminal Procedure, either party may voir dire prospective jury members on whether the presence of a certified facility dog to assist a child witness would create undue sympathy for the child witness or in any way serve as a prejudice to the defendant.
- (f) In a criminal trial involving a jury in which the certified facility dog is utilized, the court shall present appropriate jury instructions that are designed to prevent prejudice for or against any party.

Ark. Code Ann. § 16-43-1202 (Safeguards for child victims testifying in judicial and administrative proceedings).

	<p>In order to facilitate testimony that is fair and accurate, the following safeguards should be followed:</p> <ol style="list-style-type: none"> (1) The prosecuting attorney, victim-witness coordinator, attorney ad litem, or Office of Chief Counsel attorney shall inform the child about the nature of the judicial proceeding or administrative proceeding; (2) The prosecuting attorney, victim-witness coordinator, attorney ad litem, or Office of Chief Counsel attorney shall explain: <ol style="list-style-type: none"> (A) The oath that will be administered to the child; and (B) That the judge will determine whether the child is competent to testify; (3) The prosecuting attorney, victim-witness coordinator, attorney ad litem, or Office of Chief Counsel attorney shall explain to the child that if the child does not understand a question while testifying in the judicial proceeding or administrative proceeding, the child has a right to say that he or she does not understand the question; (4) The prosecuting attorney, attorney ad litem, or Office of Chief Counsel attorney may file a motion to have the child testify at a time of day when the child is most alert and best able to understand questions posed in court; (5) If it is in the child's best interests, the prosecuting attorney, attorney ad litem, or Office of Chief Counsel attorney may file a motion for the child to have a comfort item when testifying in a judicial or administrative proceeding; (6) If it is in the child's best interests, the prosecuting attorney, attorney ad litem, or Office of Chief Counsel attorney may file a motion for the child to have a support person present when the child testifies in a judicial proceeding or an administrative proceeding; and (7) The prosecuting attorney, attorney ad litem, or Office of Chief Counsel attorney shall consider the effect upon the child when the child is subjected to argumentative or harassing questions and shall make the proper objections when appropriate to ensure that the child is not subjected to argumentative or harassing questioning. <p><i>Ark. Code Ann. § 16-44-203 (Videotaped depositions).</i></p> <p><i>Ark. Code Ann. § 16-80-102 (Minor victims – Priority).</i></p> <p>Notwithstanding any rule of court to the contrary and in furtherance of the purposes of the Arkansas Rules of Criminal Procedure, Rule 27.1, all courts of this state having jurisdiction of criminal offenses, except for extraordinary circumstances, shall give precedence to the trials of criminal offenses over other matters before the court, civil or criminal, when the alleged victim is a person under the age of fourteen (14) years.</p>
<p>California</p>	<p><i>Cal. Penal Code § 859.1 (Minor or impaired dependent person victims of sexual and other offenses; confidentiality of testimony to protect reputation; hearing).</i></p> <p>(a) In any criminal proceeding in which the defendant is charged with any offense specified in Section 868.8 on a</p>

minor under the age of 16 years, or a dependent person with a substantial cognitive impairment, as defined in paragraph (3) of subdivision (f) of Section 288, the court shall, upon motion of the prosecuting attorney, conduct a hearing to determine whether the testimony of, and testimony relating to, a minor or dependent person shall be closed to the public in order to protect the minor's or the dependent person's reputation.

(b) In making this determination, the court shall consider all of the following:

- (1) The nature and seriousness of the offense.
- (2) The age of the minor, or the level of cognitive development of the dependent person.
- (3) The extent to which the size of the community would preclude the anonymity of the victim.
- (4) The likelihood of public opprobrium due to the status of the victim.
- (5) Whether there is an overriding public interest in having an open hearing.
- (6) Whether the prosecution has demonstrated a substantial probability that the identity of the witness would otherwise be disclosed to the public during that proceeding, and demonstrated a substantial probability that the disclosure of his or her identity would cause serious harm to the witness.
- (7) Whether the witness has disclosed information concerning the case to the public through press conferences, public meetings, or other means.
- (8) Other factors the court may deem necessary to protect the interests of justice.

Cal. Penal Code § 861.5 (Witnesses 10 years of age or younger or dependent; postponement of preliminary examination for special needs).

Notwithstanding subdivision (a) of Section 861, the magistrate may postpone the preliminary examination for one court day in order to accommodate the special physical, mental, or emotional needs of a child witness who is 10 years of age or younger or a dependent person, as defined in paragraph (3) of subdivision (f) of Section 288. The magistrate shall admonish both the prosecution and defense against coaching the witness prior to the witness' next appearance in the preliminary examination.

Cal. Penal Code § 868.6 (Minors under 16 years of age; designation of room near courthouse for minors involved in judicial system; purpose; operation and maintenance of room).

(a) It is the purpose of this section to provide a nonthreatening environment for minors involved in the judicial system in order to better enable them to speak freely and accurately of the experiences that are the subject of judicial inquiry.

(b) Each county is encouraged to provide a room, located within, or within a reasonable distance from, the courthouse, for the use of minors under the age of 16. Should any such room reach full occupancy, preference shall be given to minors under the age of 16 whose appearance has been subpoenaed by the court. The room may be

multipurpose in character. The county may seek the assistance of civic groups in the furnishing of the room and the provision of volunteers to aid in its operation and maintenance. If a county newly constructs, substantially remodels or refurbishes any courthouse or facility used as a courthouse on or after January 1, 1988, that courthouse or facility shall contain the room described in this subdivision.

Cal. Penal Code § 868.7 (Examination closed to public during testimony of witness; motion by prosecutor; conditions).

(a) Notwithstanding any other provision of law, the magistrate may, upon motion of the prosecutor, close the examination in the manner described in Section 868 during the testimony of a witness:

(1) Who is a minor or a dependent person, as defined in paragraph (3) of subdivision (f) of Section 288, with a substantial cognitive impairment and is the complaining victim of a sex offense, where testimony before the general public would be likely to cause serious psychological harm to the witness and where no alternative procedures, including, but not limited to, video recorded deposition or contemporaneous examination in another place communicated to the courtroom by means of closed-circuit television, are available to avoid the perceived harm.

(2) Whose life would be subject to a substantial risk in appearing before the general public, and where no alternative security measures, including, but not limited to, efforts to conceal his or her features or physical description, searches of members of the public attending the examination, or the temporary exclusion of other actual or potential witnesses, would be adequate to minimize the perceived threat.

(b) In any case where public access to the courtroom is restricted during the examination of a witness pursuant to this section, a transcript of the testimony of the witness shall be made available to the public as soon as is practicable.

Cal. Penal Code § 868.8 (Witnesses who are minors or persons with a disability in criminal proceedings involving certain violations or attempted violations committed with or upon a person with a disability or a minor under the age of 11; precautions and protection).

Notwithstanding any other provision of law, in any criminal proceeding in which the defendant is charged with a violation or attempted violation of subdivision (b) of Section 209, Section 220, 236.1, 243.4, 261, 269, 273a, 273d, 285, 286, 288, 288a, 288.5, 288.7, or 289, subdivision (1) of Section 314, Section 422, 646.9, 647.6, or former Section 647a, or any crime that constitutes domestic violence defined in Section 13700, committed with or upon a person with a disability or a minor under 11 years of age, the court shall take special precautions to provide for the comfort and support of the person with a disability or minor and to protect him or her from coercion, intimidation, or undue influence as a witness, including, but not limited to, any of the following:

(a) In the court's discretion, the witness may be allowed reasonable periods of relief from examination and cross-examination during which he or she may retire from the courtroom. The judge may also allow other witnesses in the

proceeding to be examined when the person with a disability or child witness retires from the courtroom.

(b) Notwithstanding Section 68110 of the Government Code, in his or her discretion, the judge may remove his or her robe if the judge believes that this formal attire intimidates the person with a disability or the minor.

(c) In the court's discretion the judge, parties, witnesses, support persons, and court personnel may be relocated within the courtroom to facilitate a more comfortable and personal environment for the person with a disability or the child witness.

(d) In the court's discretion, the taking of the testimony of the person with a disability or the minor may be limited to normal school hours if there is no good cause to take the testimony of the person with a disability or the minor during other hours.

(e) For the purposes of this section, the term "disability" is defined in subdivision (j) of Section 12926 of the Government Code.

Cal. Penal Code § 1346 (Victims age 15 or less or developmentally disabled as a result of intellectual disability; preservation of testimony at preliminary hearing; use at trial; protective order; record retention).

Cal. Penal Code § 1347 (Child witnesses; contemporaneous examination and cross-examination by closed-circuit television).

Cal. Penal Code § 11174.3 (Interviewing victim at school; presence of school staff member; confidentiality; admissibility of evidence; informing school districts and agency employees of section requirements).

(a) Whenever a representative of a government agency investigating suspected child abuse or neglect or the State Department of Social Services deems it necessary, a suspected victim of child abuse or neglect may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. A representative of the agency investigating suspected child abuse or neglect or the State Department of Social Services shall inform the child of that right prior to the interview. The purpose of the staff person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible. However, the member of the staff so elected shall not participate in the interview. The member of the staff so present shall not discuss the facts or circumstances of the case with the child. The member of the staff so present, including, but not limited to, a volunteer aide, is subject to the confidentiality requirements of this article, a violation of which is punishable as specified in Section 11167.5. A representative of the school shall inform a member of the staff so selected by a child of the requirements of this section prior to the interview. A staff

	<p>member selected by a child may decline the request to be present at the interview. If the staff person selected agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. Failure to comply with the requirements of this section does not affect the admissibility of evidence in a criminal or civil proceeding.</p> <p>(b) The Superintendent of Public Instruction shall notify each school district and each agency specified in Section 11165.9 to receive mandated reports, and the State Department of Social Services shall notify each of its employees who participate in the investigation of reports of child abuse or neglect, of the requirements of this section.</p>
Colorado	<p><i>Colo. Rev. Stat. § 16-10-402 (Use of closed-circuit television – child or witness with intellectual and developmental disabilities).</i></p> <p><i>Colo. Rev. Stat. § 18-3-413 (Video tape depositions – children – victims of sexual offenses).</i></p> <p><i>Colo. Rev. Stat. § 24-4.1-304 (Child victim or witness – rights and services).</i></p> <p>(1) In addition to all rights afforded to a victim or witness under section 24-4.1-302.5, law enforcement agencies, prosecutors, and judges are encouraged to designate one or more persons to provide the following services on behalf of a child who is involved in criminal proceedings as a victim or a witness:</p> <p>(a) To explain, in language understood by the child, all legal proceedings in which the child will be involved;</p> <p>(b) To act, as a friend of the court, to advise the judge, whenever appropriate, of the child's ability to understand and cooperate in any court proceeding;</p> <p>(c) To assist the child and the child's family in coping with the emotional impact of the crime and any subsequent criminal proceeding in which the child is involved;</p> <p>(d) To advise the district attorney concerning the ability of a child witness to cooperate with the prosecution and concerning the potential effects of the proceeding on the child.</p>
Connecticut	<p><i>Conn. Gen. Stat. § 54-86g (Testimony of victim of child abuse. Court may order testimony taken outside courtroom. Procedure).</i></p>
Delaware	<p><i>Del. Code Ann. § 3511 (Videotaped deposition and procedures for child witnesses).</i></p> <p><i>Del. Code Ann. § 3514 (Testimony of victim or witness in child abuse, and victim of domestic violence, sexual assault</i></p>

	<p><i>or stalking cases by means of secured video connection).</i></p> <p><i>Del. Code Ann. § 5134 (Additional rights and services).</i></p> <p>(a) A child victim or witness is entitled to an explanation, in language understood by the child, of all legal proceedings in which the child is to be involved.</p> <p>(b) A child victim or witness is entitled to be accompanied, in all proceedings, by a “friend” or other person in whom the child trusts, which person shall be permitted to advise the judge, when appropriate and as a friend of the Court, regarding the child's ability to understand proceedings and questions.</p> <p>(c) A child victim or witness is entitled to information about, and referrals to, appropriate social services and programs to assist such child, and the child's family, in coping with the emotional impact of the crime, and the subsequent Court proceedings in which the child is to become involved.</p> <p><i>Del. Code Ann. § 9404 (Victim’s interest in speedy prosecution; child victim or witness).</i></p> <p>(a) The court shall consider the interest of the victim in a speedy prosecution.</p> <p>(b) Proceedings shall be expedited in cases involving a child victim or witness particularly in child abuse and sexual abuse cases.</p>
<p>Florida</p>	<p><i>Fla. Stat. §92.53 (Videotaping the testimony of a victim or witness under age 16 or who has an intellectual disability).</i></p> <p><i>Fla. Stat. §92.54 (Use of closed circuit television in proceedings involving a victim or witness under the age of 16 or who has an intellectual disability).</i></p> <p><i>Fla. Stat. § 92.55 (Judicial or other proceedings involving victim or witness under the age of 16, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of registered service or therapy animals).</i></p> <p>(1) For purposes of this section, the term:</p> <p>(a) “Sexual offense victim or witness” means a person who was under the age of 16 when he or she was the victim of or a witness to a sexual offense.</p> <p>(b) “Sexual offense” means any offense specified in s. 775.21(4)(a) 1. or s. 943.0435(1)(a)1.a.(I).</p> <p>(2) Upon motion of any party, upon motion of a parent, guardian, attorney, or guardian ad litem for a victim or witness under the age of 16, a person who has an intellectual disability, or a sexual offense victim or witness, or upon</p>

its own motion, the court may enter any order necessary to protect the victim or witness in any judicial proceeding or other official proceeding from severe emotional or mental harm due to the presence of the defendant if the victim or witness is required to testify in open court. Such orders must relate to the taking of testimony and include, but are not limited to:

(a) Interviewing or the taking of depositions as part of a civil or criminal proceeding.

(b) Examination and cross-examination for the purpose of qualifying as a witness or testifying in any proceeding.

(c) The use of testimony taken outside of the courtroom, including proceedings under ss. 92.53 and 92.54.

(3) In ruling upon the motion, the court shall consider:

(a) The age of the child, the nature of the offense or act, the relationship of the child to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the child as a consequence of the defendant's presence, and any other fact that the court deems relevant;

(b) The age of the person who has an intellectual disability, the functional capacity of such person, the nature of the offenses or act, the relationship of the person to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the person as a consequence of the defendant's presence, and any other fact that the court deems relevant; or

(c) The age of the sexual offense victim or witness when the sexual offense occurred, the relationship of the sexual offense victim or witness to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the sexual offense victim or witness as a consequence of the defendant's presence, and any other fact that the court deems relevant.

(4) In addition to such other relief provided by law, the court may enter orders limiting the number of times that a child, a person who has an intellectual disability, or a sexual offense victim or witness may be interviewed, prohibiting depositions of the victim or witness, requiring the submission of questions before the examination of the victim or witness, setting the place and conditions for interviewing the victim or witness or for conducting any other proceeding, or permitting or prohibiting the attendance of any person at any proceeding. The court shall enter any order necessary to protect the rights of all parties, including the defendant in any criminal action.

(5) The court may set any other conditions it finds just and appropriate when taking the testimony of a child victim or witness or a sexual offense victim or witness, including the use of a service or therapy animal that has been evaluated and registered according to national standards, in any proceeding involving a sexual offense. When deciding whether to permit a child victim or witness or sexual offense victim or witness to testify with the assistance of a registered service or therapy animal, the court shall consider the age of the child victim or witness, the age of the sexual offense victim or witness at the time the sexual offense occurred, the interests of the child victim or witness or sexual offense victim or witness, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child victim or witness or sexual offense victim or witness.

Fla. Stat. § 914.17 (Appointment of advocate for victims or witnesses who are minors or intellectually disabled).

(1) A guardian ad litem or other advocate shall be appointed by the court to represent a minor in any criminal proceeding if the minor is a victim of or witness to child abuse or neglect, a victim of a sexual offense, or a witness to a sexual offense committed against another minor. The court may appoint a guardian ad litem or other advocate in any other criminal proceeding in which a minor is involved as a victim or a witness. The guardian ad litem or other advocate shall have full access to all evidence and reports introduced during the proceedings, may interview witnesses, may make recommendations to the court, shall be noticed and have the right to appear on behalf of the minor at all proceedings, and may request additional examinations by medical doctors, psychiatrists, or psychologists. The guardian ad litem or other advocate shall:

- (a) Explain, in language understandable to the minor, all legal proceedings in which the minor is involved;
- (b) Act, as a friend of the court, to advise the judge, whenever appropriate, of the minor's ability to understand and cooperate with any court proceeding; and
- (c) Assist the minor and the minor's family in coping with the emotional effects of the crime and subsequent criminal proceedings in which the minor is involved.

(2) An advocate shall be appointed by the court to represent a person who has an intellectual disability as defined in s. 393.063 in any criminal proceeding if the person is a victim of or witness to abuse or neglect, a victim of a sexual offense, or a witness to a sexual offense committed against a minor or person who has an intellectual disability. The court may appoint an advocate in any other criminal proceeding in which such person is involved as a victim or a witness. The advocate shall have full access to all evidence and reports introduced during the proceedings, may interview witnesses, may make recommendations to the court, shall be noticed and have the right to appear on behalf of the person at all proceedings, and may request additional examinations by medical doctors, psychiatrists, or psychologists. The advocate shall:

- (a) Explain, in language understandable to the person, all legal proceedings in which the person is involved;
- (b) Act, as a friend of the court, to advise the judge, whenever appropriate, of the person's ability to understand and cooperate with any court proceedings; and
- (c) Assist the person and the person's family in coping with the emotional effects of the crime and subsequent criminal proceedings in which the person is involved.

(3) Any person participating in a judicial proceeding as a guardian ad litem or other advocate is presumed prima facie to be acting in good faith and in so doing is immune from any liability, civil or criminal, which might be incurred or imposed.

Fla. Stat. § 918.0155 (Expeditious disposition of particular criminal cases involving a child under age 16).

	<p>Every criminal case prosecuted under chapter 782, chapter 784, chapter 787, chapter 794, chapter 796, chapter 800, chapter 827, or chapter 847 which involves the abuse of a child or unlawful sexual contact or acts performed in the presence of, with, or upon a child under the age of 16 shall be heard and disposed of as expeditiously as possible.</p> <p><i>Fla. Stat. § 918.16 (Sex offenses; testimony of person under age 16 or who has an intellectual disability; testimony of victim; courtroom cleared; exceptions).</i></p> <p>(1) Except as provided in subsection (2), in the trial of any case, civil or criminal, if any person under the age of 16 or any person with an intellectual disability as defined in s. 393.063 is testifying concerning any sex offense, the court shall clear the courtroom of all persons except parties to the cause and their immediate families or guardians, attorneys and their secretaries, officers of the court, jurors, newspaper reporters or broadcasters, court reporters, and, at the request of the victim, victim or witness advocates designated by the state attorney's office.</p> <p>(2) If the victim of a sex offense is testifying concerning that offense in any civil or criminal trial, the court shall clear the courtroom of all persons upon the request of the victim, regardless of the victim's age or mental capacity, except that parties to the cause and their immediate families or guardians, attorneys and their secretaries, officers of the court, jurors, newspaper reporters or broadcasters, court reporters, and, at the request of the victim, victim or witness advocates designated by the state attorney may remain in the courtroom.</p> <p><i>Fla. Stat. § 960.197 (Assistance to victims of online sexual exploitation and child pornography).</i></p> <p>(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award compensation for counseling and other mental health services to treat psychological injury or trauma to:</p> <p>(a) A child younger than 18 years of age who suffers psychiatric or psychological injury as a direct result of online sexual exploitation under any provision of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138, and who does not otherwise sustain a personal injury or death; or</p> <p>(b) Any person who, while younger than age 18, was depicted in any image or movie, regardless of length, of child pornography as defined in s. 847.001, who has been identified by a law enforcement agency or the National Center for Missing and Exploited Children as an identified victim of child pornography, who suffers psychiatric or psychological injury as a direct result of the crime, and who does not otherwise sustain a personal injury or death.</p> <p>(2) Compensation under this section is not contingent upon pursuit of a criminal investigation or prosecution.</p>
<p>Georgia</p>	<p><i>Ga. Code Ann. § 17-8-54 (Exclusion of persons from courtroom when person under 16 years of age testifies in sex offense case).</i></p> <p>In the trial of any criminal case, when any person under the age of 16 is testifying concerning any sexual offense, the</p>

	<p>court shall clear the courtroom of all persons except parties to the cause and their immediate families or guardians, attorneys and their secretaries, officers of the court, victim assistance coordinators, victims' advocates, and such other victim assistance personnel as provided for by Code Section 15-18-14.2, jurors, newspaper reporters or broadcasters, and court reporters.</p> <p><i>Ga. Code Ann. § 17-8-55 (Testimony outside presence of accused; evidentiary hearing; factors).</i></p>
<p>Hawaii</p>	<p><i>Haw. Rev. Stat. § 621-28 (Accompaniment of children at judicial proceedings).</i> A child less than fourteen years of age, involved in a judicial proceeding, including a grand jury proceeding, shall have the right to be accompanied by a parent, a victim-witness counselor, or other adult designated by the court. The accompanying person may be placed side by side with the child at the discretion of the presiding judge or court officer; provided that this position does not interfere with the proceedings of the court. The accompanying person shall not communicate in any manner with the child unless directed by the presiding judge or court officer.</p> <p><i>Haw. Rev. Stat. § 621-30 (Use of a facility dog).</i> (a) For purposes of this section: “Facility dog” means a dog that is a graduate of an assistance dog organization that is accredited by Assistance Dogs International or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training, and placement. A “facility dog” shall be specially trained to provide emotional support to witnesses testifying in judicial proceedings without causing a distraction during the proceedings. “Vulnerable witness” means a witness whose ability to testify in a judicial proceeding will be hampered or ineffective without the assistance of a facility dog, for reasons including but not limited to intellectual or emotional disability, intimidation, or age. (b) A court may permit the use of a facility dog in a judicial proceeding involving the testimony of a vulnerable witness if the court determines that there is a compelling necessity for the use of a facility dog to facilitate the testimony of the vulnerable witness. (c) Before the use of a facility dog in a judicial proceeding, the moving party shall file a motion certifying to the court: (1) The credentials of the facility dog; (2) That the facility dog is adequately insured; and (3) That a relationship has been established between the witness and the facility dog. (d) To the extent necessary, the court may impose restrictions, or instructions to the jury, regarding the presence of the facility dog during the proceedings.</p>

	<i>Haw. Rev. Stat. § 626-1 (Televised testimony of child).</i>
Idaho	<p><i>Idaho Code § 19-3023 (Child summoned as witness).</i></p> <p>When a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, notwithstanding any other statutory provision, parents, a counselor, friend or other person having a supportive relationship with the child shall be allowed to remain in the courtroom at the witness stand with the child during the child's testimony unless in written findings made and entered, the court finds that the defendant's constitutional right to a fair trial will be unduly prejudiced.</p>
Illinois	<p><i>725 Ill. Comp. Stat. 5/106B-5 (Testimony by a victim who is a child or a person with a moderate, severe, or profound intellectual disability or a person affected by a developmental disability).</i></p> <p><i>725 Ill. Comp. Stat. 5/106B-10 (Conditions for testimony by a victim who is a child or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability).</i></p> <p>Conditions for testimony by a victim who is a child or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability. In a prosecution of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse, the court may set any conditions it finds just and appropriate on the taking of testimony of a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability, involving the use of a facility dog in any proceeding involving that offense. When deciding whether to permit the child or person to testify with the assistance of a facility dog, the court shall take into consideration the age of the child or person, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child or the person. As used in this Section, “facility dog” means a dog that is a graduate of an assistance dog organization that is a member of Assistance Dogs International.</p> <p><i>725 Ill. Comp. Stat. 115/3 (Rights to present child impact statement).</i></p> <p>(a) In any case where a defendant has been convicted of a violent crime involving a child or a juvenile has been adjudicated a delinquent for any offense defined in Sections 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012,1 except those in which both parties have agreed to the imposition of a specific sentence, and a parent or legal guardian of the child involved is present in the courtroom at the time of the sentencing or the disposition hearing, the parent or legal guardian upon his or her request shall have the right to address the court regarding the impact which the</p>

	<p>defendant's criminal conduct or the juvenile's delinquent conduct has had upon the child. If the parent or legal guardian chooses to exercise this right, the impact statement must have been prepared in writing in conjunction with the Office of the State's Attorney prior to the initial hearing or sentencing, before it can be presented orally at the sentencing hearing. The court shall consider any statements made by the parent or legal guardian, along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.</p> <p>(b) The crime victim has the right to prepare a victim impact statement and present it to the office of the State's Attorney at any time during the proceedings.</p> <p>(c) This Section shall apply to any child victims of any offense defined in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 19872 which takes place pursuant to an adjudication of delinquency for any such offense.</p> <p><i>725 Ill. Comp. Stat. 5/115-11 (Prosecution for sex offenses; victims under 18 years; persons excluded from proceedings).</i></p> <p>In a prosecution for a criminal offense defined in Article 111 or in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012,2 where the alleged victim of the offense is a minor under 18 years of age, the court may exclude from the proceedings while the victim is testifying, all persons, who, in the opinion of the court, do not have a direct interest in the case, except the media.</p>
<p>Indiana</p>	<p><i>Ind. Code § 31-32-6-5 (Closing of proceeding to protect child witness or child victim; factors).</i></p> <p>Sec. 5. In determining whether closing a proceeding is necessary to protect the welfare of a child witness or child victim, the court shall consider the following:</p> <ol style="list-style-type: none"> (1) The nature of the allegation or defense. (2) The age of a child witness or child victim. (3) The psychological maturity of a child witness or child victim. (4) The desire of a child witness or child victim to testify in a proceeding closed to the public. <p><i>Ind. Code § 35-37-4-8 (Application of section; testimony of protected person; closed circuit television; videotape; notice to defendant).</i></p> <p><i>Ind. Code § 35-40-5-11 (Defense counsel interviews; rights of certain child victims of a sex offense).</i></p>

	<p>Sec. 11. (a) This section applies only to a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense (as defined in IC 11-8-8-5.2).</p> <p>(b) As used in this section, “defense counsel” includes an agent of:</p> <p>(1) the defense counsel; or</p> <p>(2) the defendant.</p> <p>(c) After charges are filed against a defendant, if defense counsel would like to interview a child described in subsection (a), the defendant or defense counsel must contact the prosecuting attorney. The child has the right under section 3 of this chapter to confer with the prosecuting attorney before the interview occurs. The prosecuting attorney may not instruct the child not to speak with defense counsel.</p> <p>(d) If the parties are unable to agree to the terms of the interview, the parties may petition the court for a hearing on the terms of the interview prior to the interview taking place. The court shall review the terms suggested by the parties and consider the age of the child, any special considerations, and the rights of victims provided by IC 35-40-5-1 in setting reasonable terms for the interview.</p>
<p>Iowa</p>	<p><i>Iowa Code § 915.35 (Child victim services).</i></p> <p>1. As used in this section, “victim” means a minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709, 710A, or 726 or who has been the subject of a forcible felony.</p> <p>2. A professional licensed or certified by the state to provide immediate or short-term medical services or mental health services to a victim may provide the services without the prior consent or knowledge of the victim's parents or guardians.</p> <p>3. Such a professional shall notify the victim if the professional is required to report an incidence of child abuse involving the victim pursuant to section 232.69.</p> <p>4. a. A child protection assistance team involving the county attorney, law enforcement personnel, and personnel of the department of human services shall be established for each county by the county attorney. However, by mutual agreement, two or more county attorneys may establish a single child protection assistance team to cover a multicounty area. A child protection assistance team, to the greatest extent possible, may be consulted in cases involving a forcible felony against a child who is less than age fourteen in which the suspected offender is the person responsible for the care of a child, as defined in section 232.68. A child protection assistance team may also be utilized in cases involving a violation of chapter 709 or 726 or other crime committed upon a victim as defined in subsection 1.</p> <p>b. A child protection assistance team may also consult with or include juvenile court officers, medical and mental</p>

health professionals, physicians or other hospital-based health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of human services for child abuse investigations. A child protection assistance team may work cooperatively with the early childhood Iowa area board established under chapter 256I. The child protection assistance team shall work with the department of human services in accordance with section 232.71B, subsection 3, in developing the protocols for prioritizing the actions taken in response to child abuse assessments and for law enforcement agencies working jointly with the department at the local level in processes for child abuse assessments. The department of justice may provide training and other assistance to support the activities of a child protection assistance team.

Iowa Code § 915.36 (Protection of child victim's privacy).

1. Prior to an arrest or the filing of an information or indictment, whichever occurs first, against a person charged with a violation of chapter 709, section 726.2, or section 728.12, committed with or on a child, as defined in section 702.5, the identity of the child or any information reasonably likely to disclose the identity of the child shall not be released to the public by any public employee except as authorized by the court of jurisdiction.
2. In order to protect the welfare of the child, the name of the child and identifying biographical information shall not appear on the information or indictment or any other public record. Instead, a nondescriptive designation shall appear on all public records. The nonpublic records containing the child's name and identifying biographical information shall be kept by the court. This subsection does not apply to the release of information to an accused or accused's counsel; however, the use or release of this information by the accused or accused's counsel for purposes other than the preparation of defense constitutes contempt.
3. A person who willfully violates this section or who willfully neglects or refuses to obey a court order made pursuant to this section commits contempt.
4. A release of information in violation of this section does not bar prosecution or provide grounds for dismissal of charges.

Iowa Code § 915.37 (Guardian ad litem for prosecuting child witnesses).

1. A prosecuting witness who is a child, as defined in section 702.5, in a case involving a violation of chapter 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this

	<p>section. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court. If a prosecuting witness is fourteen, fifteen, sixteen, or seventeen years of age, and would be entitled to the appointment of a guardian ad litem if the prosecuting witness were a child, the court may appoint a guardian ad litem if the requirements for guardians ad litem in this section are met, and the guardian ad litem agrees to participate without compensation.</p> <p>2. References in this section to a guardian ad litem shall be interpreted to include references to a court appointed special advocate as defined in section 232.2, subsection 9.</p> <p><i>Iowa Code § 915.38 (Televised, videotaped, and recorded evidence – limited court testimony – minors and others).</i></p>
<p>Kansas</p>	<p><i>Kan. Stat. Ann. § 22-3434 (Videotape of testimony of child victim admissible in certain cases; limitations; standard of proof; objections, restrictions).</i></p>
<p>Kentucky</p>	<p><i>Ky. Rev. Stat. Ann. § 26A.140 (Accommodation of special needs of children).</i></p> <p>(1) Courts shall implement measures to accommodate the special needs of children which are not unduly burdensome to the rights of the defendant, including, but not limited to:</p> <p>(a) Trained guardians ad litem or special advocates, if available, shall be appointed for all child victims and shall serve in Circuit and District Courts to offer consistency and support to the child and to represent the child's interests where needed.</p> <p>(b) During trials involving child victims or child witnesses, the environment of the courtroom shall be modified to accommodate children through the use of small chairs, frequent breaks, and the use of age appropriate language.</p> <p>(c) Children expected to testify shall be prepared for the courtroom experience by the Commonwealth's or county attorney handling the case with the assistance of the guardian ad litem or special advocate.</p> <p>(d) In appropriate cases, procedures shall be used to shield children from visual contact with alleged perpetrator.</p> <p>(2) The Supreme Court is encouraged to issue rules for the conduct of criminal and civil trials involving child abuse in which a child victim or child witness may testify at the trial.</p> <p><i>Ky. Rev. Stat. Ann. § 421.350 (Testimony of child allegedly victim of illegal sexual activity).</i></p> <p><i>Ky. Rev. Stat. Ann. § 421.510 (Speedy trial where child victim is involved).</i></p>

	<p>(1) Where the victim is less than sixteen (16) years old and the crime is a sexual offense including violations of KRS 510.040 to 510.150, 530.020, 530.064(1)(a), 530.070, 531.310, 531.320, and 531.370, a speedy trial may be scheduled as provided in subsection (2) of this section.</p> <p>(2) The court, upon motion by the attorney for the Commonwealth for a speedy trial, shall set a hearing date on the motion within ten (10) days of the date of the motion. If the motion is granted, the trial shall be scheduled within ninety (90) days from the hearing date.</p> <p>(3) In ruling on any motion or other request for a delay or continuance of the proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.</p>
Louisiana	<p><i>La. Stat. Ann. § 15:283 (Protected person; testimony taken outside courtroom).</i></p> <p><i>La. Stat. Ann. § 15:469.1 (Receipt of testimony from victims of certain crimes who are fifteen years of age or younger; closed session of court or in chambers; procedure).</i></p>
Maine	<p><i>Me. Stat. tit. 15, § 1205 (Certain out-of-court statements made by minors or persons with developmental disabilities describing sexual contact).</i></p>
Maryland	<p><i>Md. Code Ann. Crim. Proc. § 11-303 (Testimony of child victim by closed circuit television).</i></p>
Massachusetts	<p><i>Mass. Gen. Laws ch. 278, § 16A (Exclusion of public from trial for sex offenses involving minors under age of eighteen).</i></p> <p>At the trial of a complaint or indictment for rape, incest, carnal abuse or other crime involving sex, where a minor under eighteen years of age is the person upon, with or against whom the crime is alleged to have been committed, or at the trial of a complaint or indictment for getting a woman with child out of wedlock, or for the non-support of a child born out of wedlock, the presiding justice shall exclude the general public from the court room, admitting only such persons as may have a direct interest in the case.</p> <p><i>Mass. Gen. Laws ch. 278 § 16D (Child witness testimony; videotaping or transmission by simultaneous electronic means in certain cases).</i></p>

	<p><i>Mass. Gen. Laws ch. 278 § 16F (Expedited trials of sex crimes involving minor children as victims or witnesses; continuance; impact statement).</i></p> <p>In any criminal proceeding involving an alleged sex crime perpetrated upon a minor child, or in which a minor child is expected to testify as a witness to a sex crime, the court shall, in order to minimize stress on such child, take action to expedite trial and give precedence to the case over any other case; provided, however, that nothing in this section shall be construed to mean that trial shall be expedited if it is not in the best interests of the child.</p> <p>When a motion or a request for a continuance is made the prosecutor shall file an impact statement which specifies whether the commonwealth agrees to the request for continuance, whether the child or the child's representative agrees to such request, and the effect, if any, the granting of the continuance will have on the child. In ruling on any motion or request for continuance or other delay, the court shall consider and give weight to any possible adverse impact that a delay or continuance may have on the child. Prior to issuing an order on a motion for continuance or delay, the court shall make written findings of fact concerning the impact on the child of continuing or delaying the case.</p>
<p>Michigan</p>	<p><i>Mich. Comp. Laws § 600.2163a (Prosecutions and proceedings to which section applicable; children, developmentally disabled, and vulnerable adult alleged victims as witnesses; use of dolls or mannequins; support person; notice; videorecorded statement; special arrangements to protect welfare of witness; videorecorded deposition; section additional to other protections or procedures; violation as misdemeanor; penalty).</i></p> <p>(1) As used in this section:</p> <p>(a) “Custodian of the videorecorded statement” means the department of human services, investigating law enforcement agency, prosecuting attorney, or department of attorney general or another person designated under the county protocols established as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628.</p> <p>(b) “Developmental disability” means that term as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, except that, for the purposes of implementing this section, developmental disability includes only a condition that is attributable to a mental impairment or to a combination of mental and physical impairments and does not include a condition attributable to a physical impairment unaccompanied by a mental impairment.</p> <p>(c) “Videorecorded statement” means a witness's statement taken by a custodian of the videorecorded statement as provided in subsection (5). Videorecorded statement does not include a videorecorded deposition taken as provided in subsections (18) and (19).</p> <p>(d) “Vulnerable adult” means that term as defined in section 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m.</p> <p>(e) “Witness” means an alleged victim of an offense listed under subsection (2) who is any of the following:</p>

- (i) A person under 16 years of age.
 - (ii) A person 16 years of age or older with a developmental disability.
 - (iii) A vulnerable adult.
- (2) This section only applies to the following:
- (a) For purposes of subsection (1)(e)(i) and (ii), prosecutions and proceedings under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.520b to 750.520e, and 750.520g, or under former section 136 or 136a of the Michigan penal code, 1931 PA 328.
 - (b) For purposes of subsection (1)(e)(iii), 1 or more of the following:
 - (i) Prosecutions and proceedings under section 110a, 145n, 145o, 145p, 174, or 174a of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.145n, 750.145o, 750.145p, 750.174, and 750.174a.
 - (ii) Prosecutions and proceedings for an assaultive crime as that term is defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.
- (3) If pertinent, the witness shall be permitted the use of dolls or mannequins, including, but not limited to, anatomically correct dolls or mannequins, to assist the witness in testifying on direct and cross-examination.
- (4) A witness who is called upon to testify shall be permitted to have a support person sit with, accompany, or be in close proximity to the witness during his or her testimony. A notice of intent to use a support person shall name the support person, identify the relationship the support person has with the witness, and give notice to all parties to the proceeding that the witness may request that the named support person sit with the witness when the witness is called upon to testify during any stage of the proceeding. The notice of intent to use a named support person shall be filed with the court and shall be served upon all parties to the proceeding. The court shall rule on a motion objecting to the use of a named support person before the date at which the witness desires to use the support person.
- (5) A custodian of the videorecorded statement may take a witness's videorecorded statement before the normally scheduled date for the defendant's preliminary examination. The videorecorded statement shall state the date and time that the statement was taken; shall identify the persons present in the room and state whether they were present for the entire videorecording or only a portion of the videorecording; and shall show a time clock that is running during the taking of the videorecorded statement.
- (6) A videorecorded statement may be considered in court proceedings only for 1 or more of the following:
- (a) It may be admitted as evidence at all pretrial proceedings, except that it may not be introduced at the preliminary examination instead of the live testimony of the witness.
 - (b) It may be admitted for impeachment purposes.
 - (c) It may be considered by the court in determining the sentence.
 - (d) It may be used as a factual basis for a no contest plea or to supplement a guilty plea.
- (7) A videorecorded deposition may be considered in court proceedings only as provided by law.

(8) In a videorecorded statement, the questioning of the witness should be full and complete; shall be in accordance with the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628, or as otherwise provided by law; and, if appropriate for the witness's developmental level or mental acuity, shall include, but is not limited to, all of the following areas:

(a) The time and date of the alleged offense or offenses.

(b) The location and area of the alleged offense or offenses.

(c) The relationship, if any, between the witness and the accused.

(d) The details of the offense or offenses.

(e) The names of any other persons known to the witness who may have personal knowledge of the alleged offense or offenses.

(9) A custodian of the videorecorded statement may release or consent to the release or use of a videorecorded statement or copies of a videorecorded statement to a law enforcement agency, an agency authorized to prosecute the criminal case to which the videorecorded statement relates, or an entity that is part of county protocols established under section 8 of the child protection law, 1975 PA 238, MCL 722.628, or as otherwise provided by law. The defendant and, if represented, his or her attorney has the right to view and hear a videorecorded statement before the defendant's preliminary examination. Upon request, the prosecuting attorney shall provide the defendant and, if represented, his or her attorney with reasonable access and means to view and hear the videorecorded statement at a reasonable time before the defendant's pretrial or trial of the case. In preparation for a court proceeding and under protective conditions, including, but not limited to, a prohibition on the copying, release, display, or circulation of the videorecorded statement, the court may order that a copy of the videorecorded statement be given to the defense.

(10) If authorized by the prosecuting attorney in the county in which the videorecorded statement was taken, a videorecorded statement may be used for purposes of training the custodians of the videorecorded statement in that county on the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628, or as otherwise provided by law.

(11) Except as provided in this section, an individual, including, but not limited to, a custodian of the videorecorded statement, the witness, or the witness's parent, guardian, guardian ad litem, or attorney, shall not release or consent to release a videorecorded statement or a copy of a videorecorded statement.

(12) A videorecorded statement that becomes part of the court record is subject to a protective order of the court for the purpose of protecting the privacy of the witness.

(13) A videorecorded statement shall not be copied or reproduced in any manner except as provided in this section. A videorecorded statement is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, is not subject to release under another statute, and is not subject to disclosure under the Michigan court rules governing discovery. This section does not prohibit the production or release of a transcript of a

videorecorded statement.

(14) If, upon the motion of a party made before the preliminary examination, the court finds on the record that the special arrangements specified in subsection (15) are necessary to protect the welfare of the witness, the court shall order those special arrangements. In determining whether it is necessary to protect the welfare of the witness, the court shall consider all of the following:

(a) The age of the witness.

(b) The nature of the offense or offenses.

(c) The desire of the witness or the witness's family or guardian to have the testimony taken in a room closed to the public.

(d) The physical condition of the witness.

(15) If the court determines on the record that it is necessary to protect the welfare of the witness and grants the motion made under subsection (14), the court shall order both of the following:

(a) All persons not necessary to the proceeding shall be excluded during the witness's testimony from the courtroom where the preliminary examination is held. Upon request by any person and the payment of the appropriate fees, a transcript of the witness's testimony shall be made available.

(b) In order to protect the witness from directly viewing the defendant, the courtroom shall be arranged so that the defendant is seated as far from the witness stand as is reasonable and not directly in front of the witness stand. The defendant's position shall be located so as to allow the defendant to hear and see the witness and be able to communicate with his or her attorney.

(16) If upon the motion of a party made before trial the court finds on the record that the special arrangements specified in subsection (17) are necessary to protect the welfare of the witness, the court shall order those special arrangements. In determining whether it is necessary to protect the welfare of the witness, the court shall consider all of the following:

(a) The age of the witness.

(b) The nature of the offense or offenses.

(c) The desire of the witness or the witness's family or guardian to have the testimony taken in a room closed to the public.

(d) The physical condition of the witness.

(17) If the court determines on the record that it is necessary to protect the welfare of the witness and grants the motion made under subsection (16), the court shall order 1 or more of the following:

(a) All persons not necessary to the proceeding shall be excluded during the witness's testimony from the courtroom where the trial is held. The witness's testimony shall be broadcast by closed-circuit television to the public in another location out of sight of the witness.

- (b) In order to protect the witness from directly viewing the defendant, the courtroom shall be arranged so that the defendant is seated as far from the witness stand as is reasonable and not directly in front of the witness stand. The defendant's position shall be the same for all witnesses and shall be located so as to allow the defendant to hear and see all witnesses and be able to communicate with his or her attorney.
- (c) A questioner's stand or podium shall be used for all questioning of all witnesses by all parties and shall be located in front of the witness stand.
- (18) If, upon the motion of a party or in the court's discretion, the court finds on the record that the witness is or will be psychologically or emotionally unable to testify at a court proceeding even with the benefit of the protections afforded the witness in subsections (3), (4), (15), and (17), the court shall order that the witness may testify outside the physical presence of the defendant by closed circuit television or other electronic means that allows the witness to be observed by the trier of fact and the defendant when questioned by the parties.
- (19) For purposes of the videorecorded deposition under subsection (18), the witness's examination and cross-examination shall proceed in the same manner as if the witness testified at the court proceeding for which the videorecorded deposition is to be used. The court shall permit the defendant to hear the testimony of the witness and to consult with his or her attorney.
- (20) This section is in addition to other protections or procedures afforded to a witness by law or court rule.
- (21) A person who intentionally releases a videorecorded statement in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

Mich. Comp. Laws § 780.759 (Victims of child abuse or sexual assault; speedy trial motion).

Sec. 9. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following:

- (a) A victim of child abuse, including sexual abuse or any other assaultive crime.
- (b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree.
- (c) Sixty-five years of age or older.
- (d) An individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings.

(2) The chief judge, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days of the date of the filing of the motion. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing.

<p>Minnesota</p>	<p><i>Minn. Stat. § 595.02(1)(j) (Testimony of witnesses).</i> A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.</p> <p><i>Minn. Stat. § 595.02(4) (Testimony of witnesses).</i> (a) In a proceeding in which a child less than 12 years of age is alleging, denying, or describing: (1) an act of physical abuse or an act of sexual contact or penetration performed with or on the child or any other person by another; or (2) an act that constitutes a crime of violence committed against the child or any other person, the court may, upon its own motion or upon the motion of any party, order that the testimony of the child be taken in a room other than the courtroom or in the courtroom and televised at the same time by closed-circuit equipment, or recorded for later showing to be viewed by the jury in the proceeding, to minimize the trauma to the child of testifying in the courtroom setting and, where necessary, to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony. (b) At the taking of testimony under this subdivision, only the judge, the attorneys for the defendant and for the state, any person whose presence would contribute to the welfare and well-being of the child, persons necessary to operate the recording or closed-circuit equipment and, in a child protection proceeding under chapter 260 or a dissolution or custody proceeding under chapter 518, the attorneys for those parties with a right to participate may be present with the child during the child's testimony. (c) The court shall permit the defendant in a criminal or delinquency matter to observe and hear the testimony of the child in person. If the court, upon its own motion or the motion of any party, finds in a hearing conducted outside the presence of the jury, that the presence of the defendant during testimony taken pursuant to this subdivision would</p>
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	<p>psychologically traumatize the witness so as to render the witness unavailable to testify, the court may order that the testimony be taken in a manner that:</p> <p>(1) the defendant can see and hear the testimony of the child in person and communicate with counsel, but the child cannot see or hear the defendant; or</p> <p>(2) the defendant can see and hear the testimony of the child by video or television monitor from a separate room and communicate with counsel, but the child cannot see or hear the defendant.</p> <p>(d) As used in this subdivision, “crime of violence” has the meaning given it in section 624.712, subdivision 5, and includes violations of section 609.26.</p> <p><i>Minn. Stat. § 611A.90 (Release of videotapes of child abuse victims).</i></p> <p>Subdivision 1. Definition. For purposes of this section, “physical abuse” and “sexual abuse” have the meanings given in section 626.556, subdivision 2, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.</p> <p>Subd. 2. Court order required. (a) A custodian of a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse as part of an investigation or evaluation of the abuse may not release a copy of the videotape without a court order, notwithstanding that the subject has consented to the release of the videotape or that the release is authorized under law.</p> <p>(b) The court order may govern the purposes for which the videotape may be used, reproduction, release to other persons, retention and return of copies, and other requirements reasonably necessary for protection of the privacy and best interests of the child.</p> <p>Subd. 3. Petition. An individual subject of data, as defined in section 13.02, or a patient, as defined in sections 144.291 to 144.298, who is seeking a copy of a videotape governed by this section may petition the district court in the county where the alleged abuse took place or where the custodian of the videotape resides for an order releasing a copy of the videotape under subdivision 2. Nothing in this section establishes a right to obtain access to a videotape by any other person nor limits a right of a person to obtain access if access is otherwise authorized by law or pursuant to discovery in a court proceeding.</p>
Mississippi	<p><i>Miss. Code Ann. § 13-1-405 (Use of closed circuit television).</i></p> <p><i>Miss. Code Ann. § 13-1-407 (Use of child’s videotaped testimony).</i></p> <p><i>Miss. Code Ann. § 99-43-101 (Child witness standards of protection).</i></p>

- (1) The following terms have the meanings ascribed:
- (a) “Child” means any individual under the age of eighteen (18) years of age who must testify in any legal or criminal proceeding.
 - (b) “Proceeding,” “criminal proceeding” or “legal proceeding” means:
 - (i) Any criminal hearing, criminal trial or other criminal proceeding in the circuit or county court in which a child testifies as a victim of a crime or as a witness as to a material issue; or
 - (ii) A youth court proceeding in which a child testifies as a victim of a crime or delinquent act or as a witness to a crime or delinquent act.
- (2) In any proceeding in which a child testifies, a child shall have the following rights to be enforced by the court on its own motion or upon motion or notice of an attorney in the proceeding:
- (a) To be asked questions in a manner a child of that age can reasonably understand, including, but not limited to, a child-friendly oath.
 - (b) To be free of nuisance, vexatious or harassment tactics in the proceeding.
 - (c) To have present in the courtroom and in a position clearly visible in close proximity to the child, a support person, if the support person is not a witness in the proceeding.
 - (d) To have the courtroom or the hearing room adjusted to ensure the comfort and protection of the child.
 - (e) To have the relaxation of the formalities of the proceedings in an effort to ensure the comfort of the child.
 - (f) To permit a properly trained facility animal or comfort item or both to be present inside the courtroom or hearing room.
 - (g) To permit the use of a properly constructed screen that would permit the judge and jury in the courtroom or hearing room to see the child but would obscure the child's view of the defendant or the public or both.
 - (h) To have a secure and child-friendly waiting area provided for the child during court proceedings and to have a support person stay with the child while waiting.
 - (i) To have an advocate or support person inform the court about the child's ability to understand the nature of the proceedings, special accommodations that may be needed for the child's testimony, and any other testimony relevant to any of the rights set forth in this section.
- (3) In circumstances where a defendant in a proceeding has chosen to proceed without counsel, the court may appoint standby counsel for that party and may order standby counsel to question a child on behalf of the pro se party if the court finds that there is a substantial likelihood that emotional harm would come to the child if the pro se party were allowed to question the child directly.
- (4)(a) If the child is the victim of a crime, the court shall ensure that all steps necessary to secure the physical safety of the child, both in the courtroom and during periods of time that the child may spend waiting for court, have been taken.

(b) The court and all attorneys involved in a proceeding involving a child shall not disclose to any third party any discovery, including, but not limited to, the personal information of the child including the child's name, address and date of birth, any and all interviews of the child, and any other identifying information of a child. Upon written motion by a party, the court may authorize by written order the production of any discovery to a third party, if the third party agrees to maintain the security and nondisclosure of the discovery and return the discovery to the party upon conclusion of the case. The court shall enforce any violations of this section through its contempt powers.

(c) In any proceeding in which a child is alleged to have been emotionally, sexually, or physically abused, the child shall be given notice of all pretrial discovery motions, and the notice must be given in sufficient time to allow the guardian ad litem or counsel for the child to file any pleadings deemed appropriate to that situation.

(5)(a) In a proceeding involving an alleged offense against a child, the prosecuting attorney, the child's attorney, the child's parent or legal guardian, or the guardian ad litem may apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape and by stenographic means.

(b) The court shall make a preliminary finding as to whether, at the time of trial, the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, or public for any of the following reasons:

- (i) The child will be unable to testify because of fear.
- (ii) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court.
- (iii) The child suffers a mental or other infirmity or medical condition which could potentially prevent the child from being present to testify at the trial.
- (iv) Conduct of the defendant or defense counsel may cause or already has caused the child to be unable to testify or continue to testify out of fear or emotional distress.

(c) If the court finds that the child is likely to be unable to testify in open court for any of the reasons stated in paragraph (b) of this subsection (5), the court shall order that the child's deposition be taken and preserved by videotape and stenographic means.

(d) The trial judge shall preside at the videotape deposition of a child and shall rule on all questions as if at trial. The only other persons who may be permitted to be present at the proceeding are:

- (i) The prosecuting attorney or attorneys;
- (ii) The attorney or attorneys for the defendant;
- (iii) The child's attorney or attorneys and guardian ad litem;
- (iv) Persons necessary to operate the videotape equipment; and
- (v) Other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child.

The defendant shall be afforded the rights applicable to defendants during trial, including the right to an attorney, the

	<p>right to be confronted with the witness against the defendant, and the right to cross-examine the child.</p> <p>(e)(i) If the court finds the child is unable to testify in open court, based on evidence that the child is unable to testify in the physical presence of the defendant, the court may order that the defendant, including a defendant represented pro se, be excluded from the room in which the deposition is conducted. If the court orders that the defendant be excluded from the deposition room, the court shall order that two-way closed-circuit television equipment be used as provided in Section 13-1-405.</p> <p>(ii) The complete record of the examination of the child, including the image and voices of all persons who in any way participated in the examination, shall be made and preserved on videotape in addition to being stenographically recorded. The videotape shall be transmitted to the clerk of the court in which the action is pending and shall be made available for viewing to the prosecuting attorney, the defendant, and the defendant's attorney during ordinary business hours.</p> <p>(f) If, at the time of trial, the court finds that the child is unable to testify for a reason described in subsection (5)(b), the court may admit into evidence the child's videotaped deposition in lieu of the child's testimony at trial. The court's ruling must be supported by findings on the record.</p> <p>(g) Upon timely receipt of notice that new evidence has been discovered after the original videotaping and before or during trial, the court, for good cause shown, may order an additional videotaped deposition. The testimony of the child shall be restricted to the matters specified by the court as the basis for granting the order.</p> <p>(h) In connection with the taking of a videotaped deposition, the court may enter a protective order for the purpose of protecting the privacy or emotional well-being of the child or for any other purposes.</p> <p>(i) The videotape of a deposition taken under this paragraph shall be destroyed five (5) years after the date on which the trial court entered its judgment, but not before a final judgment is entered on appeal, including Supreme Court review. The videotape shall become part of the court record and be kept by the court until it is destroyed.</p>
<p>Missouri</p>	<p><i>Mo. Ann. Stat. § 491.680 (Court may order video recording of alleged child victim, when – procedure – transcript – exclusion of defendant from proceedings – opportunity to review – cross-examination).</i></p> <p><i>Mo. Ann. Stat. § 491.685 (Defendant may be excluded from child victim deposition proceedings, when).</i></p> <p><i>Mo. Ann. Stat. § 491.710 (Hearings involving child witnesses given docket priority – delays or continuances granted, when).</i></p> <p>In all criminal cases and juvenile court hearings under chapter 211 involving a child victim or witness, as defined in section 491.678 or 491.696, the court shall give docket priority. The court and the prosecuting or circuit attorney</p>

	<p>shall take appropriate action to insure a speedy trial in order to minimize the length of time the child must endure the stress of his or her involvement in the proceeding. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.</p>
Montana	<p><i>Mont. Code Ann. § 46-16-227 (Raising issue of testimony of child witness outside presence of defendant – motion by prosecution or defense).</i></p> <p><i>Mont. Code Ann. § 46-16-228 (Hearing – procedure – evidence that may be received – protection for child witness).</i></p> <p><i>Mont. Code Ann. § 46-16-229 (Order for two-way electronic audio-video communication testimony – finding by court – procedure for conducting testimony).</i></p>
Nebraska	<p><i>Neb. Rev. Stat. § 29-1926 (Child victim or child witness; videotape deposition and in camera testimony; conditions; use; findings by court; release; violation; penalty).</i></p>
Nevada	<p><i>Nev. Rev. Stat. § 50.580 (Standards for determining whether child witness may testify by alternative method).</i></p> <p><i>Nev. Rev. Stat. § 62F.130 (Alternative plan of supervision: Required for attendance at same school as victim; conditions; modification or rescission; victim and parent or guardian of victim to be informed of rights).</i></p> <p>1. The juvenile court may permit a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act to attend a public school or private school that a victim of the sexual offense or the sexually motivated act is attending if, upon the request of the child, the superintendent of the county school district or the executive head of the private school:</p> <p>(a) The juvenile court develops and approves an alternative plan of supervision for the child that protects the safety and the interests of the victim;</p> <p>(b) The victim and the parent or guardian of the victim consent, in writing, to the plan;</p> <p>(c) The superintendent of the county school district or the executive head of the private school consents, in writing, to the plan; and</p> <p>(d) The child and the parent or guardian of the child agree, in writing, to comply with the conditions of the plan.</p> <p>2. As part of an alternative plan of supervision, the juvenile court shall impose reasonable conditions on the child</p>

	<p>and, if necessary to facilitate the alternative plan, on the parent or guardian of the child. The conditions must be designed to protect the safety and the interests of the victim and to ensure that the child complies with the plan.</p> <p>3. Upon its own motion or upon a request from the district attorney, the victim, the parent or guardian of the victim or the probation officer or parole officer, as appropriate, assigned to the child, the juvenile court may modify or rescind the alternative plan of supervision or a condition of the alternative plan after providing notice and an opportunity to be heard to the child, the parent or guardian of the child, the district attorney and the parties who consented to the alternative plan. If a proposed modification is reasonably likely to increase contact between the victim and the child, the juvenile court may not make the modification without the written consent of the victim and the parent or guardian of the victim. If the juvenile court rescinds the alternative plan of supervision, the child is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, as if the alternative plan had not existed.</p> <p>4. Before the juvenile court accepts the written consent of the victim and the parent or guardian of the victim pursuant to this section, the juvenile court shall inform them of their right to withhold consent and, except as otherwise provided in NRS 62F.140, their right to have the child not attend the public school or private school the victim is attending.</p>
<p>New Hampshire</p>	<p><i>N.H. Rev. Stat. Ann. § 517:13-a (Videotape Trial Testimony Authorized).</i></p>
<p>New Jersey</p>	<p><i>N.J. Stat. Ann. § 2A:82-46 (Child victims of sexual assault or abuse; substitution of initials or fictitious name on public record, indictment or complaint; confidentiality of public records; disclosure; penalty; court hearing on disclosure for good cause).</i></p> <p>a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, endangering the welfare of children under N.J.S. 2C:24-4, or in any action alleging an abused or neglected child under P.L.1974, c. 119 (C.9:6-8.21 et seq.), the name, address, and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense shall not appear on the indictment, complaint, or any other public record as defined in P.L.1963, c. 73 (C.47:1A-1 et seq.). In its place initials or a fictitious name shall appear.</p> <p>b. Any report, statement, photograph, court document, indictment, complaint or any other public record which states the name, address and identity of a victim shall be confidential and unavailable to the public. Unless authorized pursuant to subsection c. of this section, any person who purposefully discloses, releases or otherwise makes available to the public any of the above-listed documents which contain the name, address and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense enumerated in subsection a. of this section shall be guilty of a disorderly persons offense.</p> <p>c. The information described in this act shall remain confidential and unavailable to the public unless the court, after a hearing, determines that good cause exists for disclosure. The hearing shall be held after notice has been made to</p>

	<p>the victim, parents of victim, spouse, or other person legally responsible for the maintenance and care of the victim, and to the person charged with the commission of the offense, counsel or guardian of that person.</p> <p>d. Nothing contained herein shall prohibit the court from imposing further restrictions with regard to the disclosure of the name, address, and identity of the victim when it deems it necessary to prevent trauma or stigma to the victim.</p> <p><i>N.J. Stat. Ann. § 2A:84A-32.4 (Prosecutions or actions for certain crimes involving criminal sexual activity or abuse or neglect of children; closed circuit testimony by minor).</i></p> <p><i>N.J. Stat. Ann. § 52:4B-25.1 (Child and family counseling service).</i></p> <p>a. In addition to the victim counseling service established pursuant to section 2 of P.L.1982, c. 192 (C.52:4B-25), the Victims of Crimes Compensation Agency shall establish a specialized child and family counseling unit. This unit shall be under the direction of a person appointed by the executive director whose training or experience includes the handling of child abuse cases.</p> <p>b. The agency is authorized to appoint such personnel for the child and family counseling unit as may be necessary to carry out its functions. Appointments made pursuant to this subsection shall be within the limits of the funds appropriated or otherwise made available to the agency for that purpose.</p> <p>c. The child and family counseling unit may be principally located in any place as the agency deems advisable, but shall be available to lend assistance to child victims in every county in this State.</p>
<p>New Mexico</p>	<p><i>N.M. Stat. Ann. § 38-6A-5 (Standards for determining whether a child witness may testify by alternative method).</i></p> <p><i>N.M. Stat. Ann. § 30-9-17 (Videotaped depositions of alleged victims who are under sixteen years of age; procedure; use in lieu of direct testimony).</i></p>
<p>New York</p>	<p><i>N.Y. Crim. Proc. Law § 65.20 (Closed-circuit television; procedure for application and grounds for determination).</i></p> <p><i>N.Y. Crim. Proc. Law § 65.30 (Closed-circuit television; special testimonial procedures).</i></p> <p><i>N.Y. Exec. Law § 642-a (Fair treatment of child victims as witnesses).</i></p> <p>To the extent permitted by law, criminal justice agencies, crime victim-related agencies, social services agencies and the courts shall comply with the following guidelines in their treatment of child victims:</p> <p>1. To minimize the number of times a child victim is called upon to recite the events of the case and to foster a</p>

	<p>feeling of trust and confidence in the child victim, whenever practicable and where one exists, a multi-disciplinary team as established pursuant to subdivision six of section four hundred twenty-three of the social services law and/or a child advocacy center shall be used for the investigation and prosecution of child abuse cases involving abuse of a child, as described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act, sexual abuse of a child or the death of a child.</p> <p>2. Whenever practicable, the same prosecutor should handle all aspects of a case involving an alleged child victim.</p> <p>3. To minimize the time during which a child victim must endure the stress of his involvement in the proceedings, the court should take appropriate action to ensure a speedy trial in all proceedings involving an alleged child victim. In ruling on any motion or request for a delay or continuance of a proceeding involving an alleged child victim, the court should consider and give weight to any potential adverse impact the delay or continuance may have on the well-being of the child.</p> <p>4. The judge presiding should be sensitive to the psychological and emotional stress a child witness may undergo when testifying.</p> <p>5. In accordance with the provisions of article sixty-five of the criminal procedure law, when appropriate, a child witness as defined in subdivision one of section 65.00 of such law should be permitted to testify via live, two-way closed-circuit television.</p> <p>6. In accordance with the provisions of section 190.32 of the criminal procedure law, a person supportive of the “child witness” or “special witness” as defined in such section should be permitted to be present and accessible to a child witness at all times during his testimony, although the person supportive of the child witness should not be permitted to influence the child's testimony.</p> <p>7. A child witness should be permitted in the discretion of the court to use anatomically correct dolls and drawings during his testimony.</p>
<p>North Carolina</p>	<p><i>N.C. Gen . Stat. Ann. § 15A-1225.1 (Child witnesses; remote testimony).</i></p>
<p>North Dakota</p>	<p><i>N.D. Cent. Code Ann. § 12.1-35-02 (Additional services).</i></p> <p>In addition to all rights afforded to victims and witnesses by law, state's attorneys are encouraged to provide the following additional services to children who are involved in criminal proceedings as victims or witnesses:</p> <p>1. Explanations, in language understood by the child, of all legal proceedings in which the child will be involved.</p> <p>2. Advice to the court concerning the ability of a child witness to cooperate with the prosecution and the potential effects of the proceedings on the child.</p> <p>3. Information about, and referrals to, appropriate social services programs to assist the child and the child's family members in coping with the emotional impact of the crime and the subsequent proceedings in which the child is</p>

	<p>involved.</p> <p>4. Information about the availability of a child development specialist to ensure questions asked of the witness are chronologically and developmentally appropriate.</p>
Ohio	<p><i>Ohio Rev. Code Ann. § 2152.81 (Deposition of child sex offense victim).</i></p> <p><i>Ohio Rev. Code Ann. § 2945.49 (Testimony of deceased or absent witness; videotaped testimony of child victim).</i></p>
Oklahoma	<p><i>Okla. Stat. Ann. tit. 10a, § 1-4-506 (Taking testimony of child age 12 or under in room other than courtroom – Recording).</i></p> <p><i>Okla. Stat. Ann. tit. 12, § 2611.8 (Determination of whether to allow child witness to testify by an alternative method).</i></p> <p><i>Okla. Stat. Ann. tit. 70, §24-100.6 (Right of student victims to be separated from offender – Notice to school district of juvenile sex offender identity – School attendance of juvenile sex offender).</i></p> <p>A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.</p> <p>B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act,¹ either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.</p> <p>C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another</p>

	<p>school district pursuant to the provisions of the Education Open Transfer Act.2</p> <p>D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.</p>
<p>Oregon</p>	<p><i>Or. Rev. Stat. § 40.460(24) (Hearsay exception; availability of declarant immaterial).</i></p> <p>Notwithstanding the limits contained in subsection (18a) of this section, in any proceeding in which a child under 12 years of age at the time of trial, or a person with a developmental disability as described in subsection (18a)(d) of this section, may be called as a witness to testify concerning an act of abuse, as defined in ORS 419B.005, or sexual conduct performed with or on the child or person with a developmental disability by another, the testimony of the child or person with a developmental disability taken by contemporaneous examination and cross-examination in another place under the supervision of the trial judge and communicated to the courtroom by closed-circuit television or other audiovisual means. Testimony will be allowed as provided in this subsection only if the court finds that there is a substantial likelihood, established by expert testimony, that the child or person with a developmental disability will suffer severe emotional or psychological harm if required to testify in open court. If the court makes such a finding, the court, on motion of a party, the child, the person with a developmental disability or the court in a civil proceeding, or on motion of the district attorney, the child or the person with a developmental disability in a criminal or juvenile proceeding, may order that the testimony of the child or the person with a developmental disability be taken as described in this subsection. Only the judge, the attorneys for the parties, the parties, individuals necessary to operate the equipment and any individual the court finds would contribute to the welfare and well-being of the child or person with a developmental disability may be present during the testimony of the child or person with a developmental disability.</p> <p><i>Or. Rev. Stat. § 44.545 (Expediting proceedings).</i></p> <p>(1) Except as otherwise provided in subsection (2) of this section or except for good cause shown by either party, in any case where a child or a member of the family of the child is a victim of a crime and where a child under 18 years of age is called to give testimony, the court, consistent with the rules of civil or criminal procedure, shall expedite the action and insure that it takes precedence over any other. When determining whether or not to grant a continuance, the judge shall take into consideration the age of the child and the potential adverse impact the delay may have on the</p>

	<p>well-being of the child. The court shall make written findings of fact and conclusions of law when granting a continuance.</p> <p>(2) The provisions of subsection (1) of this section do not apply to any juvenile proceeding other than the termination of parental rights.</p> <p><i>Or. Rev. Stat. § 44.547 (Notice to court; accommodations).</i></p> <p>(1) In any case in which a child under 12 years of age or a person with a developmental disability described in subsection (2) of this section is called to give testimony, the attorney or party who plans to call the witness must notify the court at least seven days before the trial or proceeding of any special accommodations needed by the witness. Upon receiving the notice, the court shall order such accommodations as are appropriate under the circumstances considering the age or disability of the witness. Accommodations ordered by the court may include:</p> <ul style="list-style-type: none"> (a) Break periods during the proceedings for the benefit of the witness. (b) Designation of a waiting area appropriate to the special needs of the witness. (c) Conducting proceedings in clothing other than judicial robes. (d) Relaxing the formalities of the proceedings. (e) Adjusting the layout of the courtroom for the comfort of the witness. (f) Conducting the proceedings outside of the normal courtroom. <p>(2) For the purposes of this section, “developmental disability” means a disability attributable to mental retardation, autism, cerebral palsy, epilepsy or other disabling neurological condition that requires training or support similar to that required by persons with mental retardation, if either of the following apply:</p> <ul style="list-style-type: none"> (a) The disability originates before the person attains 22 years of age, or if the disability is attributable to mental retardation the condition is manifested before the person attains 18 years of age, the disability can be expected to continue indefinitely, and the disability constitutes a substantial handicap to the ability of the person to function in society. (b) The disability results in a significant subaverage general intellectual functioning with concurrent deficits in adaptive behavior that are manifested during the developmental period.
<p>Pennsylvania</p>	<p><i>42 Pa. Stat. and Cons. Stat. Ann. § 5983 (Rights and services).</i></p> <p>(a) Designation of persons to act on behalf of children.--Courts of common pleas may designate one or more persons as a child advocate to provide the following services on behalf of children who are involved in criminal proceedings as victims or material witnesses:</p> <ul style="list-style-type: none"> (1) To explain, in language understood by the child, all legal proceedings in which the child will be involved.

	<p>(2) As a friend of the court, to advise the judge, whenever appropriate, of the child's ability to understand and cooperate with any court proceedings.</p> <p>(3) To assist or secure assistance for the child and the child's family in coping with the emotional impact of the crime and subsequent criminal proceedings in which the child is involved.</p> <p>(b) Qualifications.--Persons designated under subsection (a) may be attorneys at law or other persons who, by virtue of service as rape crisis or domestic violence counselors or by virtue of membership in a community service organization or of other experience acceptable to the court, possess education, experience or training in child or sexual abuse and a basic understanding of the criminal justice system.</p> <p><i>42 Pa. Stat. and Cons. Stat. Ann. §5984.1 (Recorded testimony).</i></p> <p><i>42 Pa. Stat. and Cons. Stat. Ann. §5985 (Testimony by contemporaneous alternative method).</i></p> <p><i>42 Pa. Stat. and Cons. Stat. Ann. § 5987 (Use of dolls).</i> In any criminal proceeding charging physical abuse, indecent contact or any of the offenses enumerated in 18 Pa.C.S. Ch. 31 (relating to sexual offenses), the court shall permit the use of anatomically correct dolls or mannequins to assist a child in testifying on direct examination and cross-examination.</p> <p><i>42 Pa. Stat. and Cons. Stat. Ann. § 5988 (Victims of sexual or physical abuse).</i></p> <p>(a) Release of name prohibited.--Notwithstanding any other provision of law to the contrary, in a prosecution involving a minor victim of sexual or physical abuse, the name of the minor victim shall not be disclosed by officers or employees of the court to the public, and any records revealing the name of the minor victim shall not be open to public inspection.</p> <p>(a.1) Application of section.--The provisions of this section shall apply to a prosecution involving a minor victim regardless of the date of the commencement of the prosecution.</p> <p>(a.2) Waiver.--A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive the provisions of this section and allow the court to release the name of the minor victim. The court shall develop procedures to implement the provisions of this subsection.</p> <p>(b) Penalty.--Any person who violates this section commits a misdemeanor of the third degree.</p>
<p>Rhode Island</p>	<p><i>11 R.I. Gen. Laws § 11-37-8.5 (Identification of victims of child molestation sexual assault).</i></p> <p>(a) All court records which concern the identity of a victim of child molestation sexual assault shall be confidential</p>

and shall not be made public.

(b) Every agency of state or local government shall protect the confidentiality of documents containing the identity of victims of child molestation sexual assault.

(c) A defendant charged with child molestation sexual assault may make application to the trial court for an order of disclosure of identifying information concerning the child victim in order to prepare his or her defense. Nothing in this section shall be construed to prevent the disclosure of the victim's identity to the defendant at the time of his or her arraignment, provided, that the defendant shall make no disclosure of the victim's identity other than to his or her attorney and others directly involved in the preparation of his or her defense. Any disclosure by a defendant other than permitted in this section shall constitute contempt.

11 R.I. Gen. Laws § 11-37.13.2 (Alternative methods of victim testimony – child victim).

12 R.I. Gen. Laws § 12-28-8 (Child victims).

(a) The general assembly finds that it is necessary to provide child victims and witnesses in family, district or superior court with special consideration and treatment beyond that usually afforded to adults. It is the intent of this section to provide these children with additional rights and protection during their involvement with the criminal justice system.

(b) As used in this section, “child” is anyone who is less than fifteen (15) years of age.

(c) Child victims of felony offenses, or offenses which would be considered felony offenses if committed by adults, shall have the following rights in addition to those set forth elsewhere in this chapter:

(1) To have explanations, in language understandable to a child of the victim's age, of all investigative and judicial proceedings in which the child will be involved;

(2) To be accompanied at all investigative and judicial proceedings by a relative, guardian, or other person who will contribute to the child's sense of well being, unless it is determined by the party conducting the proceeding that the presence of the particular person would substantially impede the investigation or prosecution of the case;

(3) To have all investigative and judicial proceedings in which the child's participation is required arranged so as to minimize the time when the child must be present;

(4) To be permitted to testify at all judicial proceedings in the manner which will be least traumatic to the child, consistent with the rights of the defendant;

(5) To be provided information about and referrals to appropriate social service programs to assist the child and the child's family in coping with the emotional impact of the crime and the subsequent proceedings in which the child is involved.

<p>South Carolina</p>	<p><i>S.C. Code Ann. § 16-3-1550(E) (Restriction on employers of victims and witnesses; protection of rights of victims and witnesses).</i></p> <p>The circuit or family court must treat sensitively witnesses who are very young, elderly, handicapped, or who have special needs by using closed or taped sessions when appropriate. The prosecuting agency or defense attorney must notify the court when a victim or witness deserves special consideration.</p> <p><i>S.C. Code Ann. § 19-1-180 (Out-of-court statements by certain children).</i></p>
<p>South Dakota</p>	<p><i>S.D. Codified Laws § 23A-24-6 (Minor’s testimony as to sexual offense involving child – Open only to certain persons – Exception for grand jury proceedings).</i></p> <p>Any portion of criminal proceedings, with the exception of grand jury proceedings, at which a minor is required to testify concerning rape of a child, sexual contact with a child, child abuse involving sexual abuse, or any other sexual offense involving a child may be closed to all persons except the parties' attorneys, the victim or witness assistant, the victim's parents or guardian, and officers of the court and authorized representatives of the news media, unless the court, after proper hearing, determines that the minor's testimony should be closed to the news media or the victim's parents or guardian in the best interest of the minor.</p> <p><i>S.D. Codified Laws § 26A-8A-18 (Appointment of counsel – Compensation – Assistance).</i></p> <p>Notwithstanding the provisions of §§ 26-7A-31 and 26-8A-9, the court shall appoint an attorney for any child alleged to be abused or neglected in any judicial proceeding. The court shall appoint an attorney in the manner the county in which the action is being conducted has chosen to provide indigent counsel under § 23A-40-7. The attorney for the child shall represent the child's best interests and may not be the attorney for any other party involved in the judicial proceedings. The court may designate other persons, including a guardian ad litem or special advocate, who may or may not be attorneys licensed to practice law, to assist the attorney of the child in the performance of the attorney's duties. Compensation and expense allowances for the child's attorney shall be determined and paid according to § 26-7A-31.</p> <p><i>S.D. Codified Laws § 26A-8A-20 (Appointment of representative of child’s best interest – Duties).</i></p> <p>If a child is an apparent or alleged abused or neglected child, the court may appoint a special advocate to represent the best interests of the child and to assist the child's attorney. If a child has been adjudicated an abused or neglected child and is removed from the child's home with the child's parents, guardian or custodian, the court shall appoint a guardian ad litem or a special advocate to represent the best interests of the child and to assist the child's attorney.</p>

	<p>The guardian ad litem or special advocate is an officer of the court for the purpose of representing the child's best interests. The guardian ad litem or special advocate shall receive all reports concerning the child and may cause the case to be reviewed by the court pursuant to § 26-8A-24.</p> <p><i>S.D. Codified Laws § 26-8A-30 (Testimony of child by closed circuit television – Hearing to determine necessity).</i></p> <p><i>S.D. Codified Laws § 26-8A-31 (Persons allowed to be present during closed circuit television testimony – Display of defendant's image in room where witness testifies).</i></p>
Tennessee	<p><i>Tenn. Code Ann. § 24-7-117 (Child sexual abuse; audiovisual recordings).</i></p> <p><i>Tenn. Code Ann. § 24-7-120 (Child's testimony; closed circuit television; application).</i></p>
Texas	<p><i>Tex. Code Crim. Proc. Ann. art. 38.071 (Testimony of child who is victim of offense).</i></p> <p><i>Tex. Code Crim. Proc. Ann. art. 38.074 (Testimony of child in prosecution of offense).</i></p> <p>Sec. 1. In this article:</p> <p>(1) "Child" has the meaning assigned by Section 22.011(c), Penal Code.</p> <p>(2) "Support person" means any person whose presence would contribute to the welfare and well-being of a child.</p> <p>Sec. 2. This article applies to the testimony of a child in any hearing or proceeding in the prosecution of any offense, other than the testimony of a child in a hearing or proceeding in a criminal case in which that child is the defendant.</p> <p>Sec. 3. (a) A court shall:</p> <p>(1) administer an oath to a child in a manner that allows the child to fully understand the child's duty to tell the truth;</p> <p>(2) ensure that questions asked of the child are stated in language appropriate to the child's age;</p> <p>(3) explain to the child that the child has the right to have the court notified if the child is unable to understand any question and to have a question restated in a form that the child does understand;</p> <p>(4) ensure that a child testifies only at a time of day when the child is best able to understand the questions and to undergo the proceedings without being traumatized, including:</p> <p>(A) limiting the duration of the child's testimony;</p> <p>(B) limiting the timing of the child's testimony to the child's normal school hours; or</p> <p>(C) ordering a recess during the child's testimony when necessary for the energy, comfort, or attention span of the child; and</p>

	<p>(5) prevent intimidation or harassment of the child by any party and, for that purpose, rephrase as appropriate any question asked of the child.</p> <p>(b) On the motion of any party, or a parent, managing conservator, guardian, or guardian ad litem of a child or special advocate for a child, the court shall allow the child to have a toy, blanket, or similar comforting item in the child's possession while testifying or allow a support person to be present in close proximity to the child during the child's testimony if the court finds by a preponderance of the evidence that:</p> <p>(1) the child cannot reliably testify without the possession of the item or presence of the support person, as applicable; and</p> <p>(2) granting the motion is not likely to prejudice the trier of fact in evaluating the child's testimony.</p> <p>(c) A support person who is present during a child's testimony may not:</p> <p>(1) obscure the child from the view of the defendant or the trier of fact;</p> <p>(2) provide the child with an answer to any question asked of the child; or</p> <p>(3) assist or influence the testimony of the child.</p> <p>(d) The court may set any other conditions and limitations on the taking of the testimony of a child that it finds just and appropriate, considering the interests of the child, the rights of the defendant, and any other relevant factors.</p>
<p>Utah</p>	<p><i>Utah Code Ann. § 77-37-4 (Additional rights – Children).</i></p> <p>In addition to all rights afforded to victims and witnesses under this chapter, child victims and witnesses shall be afforded these rights:</p> <p>(1) Children have the right to protection from physical and emotional abuse during their involvement with the criminal justice process.</p> <p>(2) Children are not responsible for inappropriate behavior adults commit against them and have the right not to be questioned, in any manner, nor to have allegations made, implying this responsibility. Those who interview children have the responsibility to consider the interests of the child in this regard.</p> <p>(3) Child victims and witnesses have the right to have interviews relating to a criminal prosecution kept to a minimum. All agencies shall coordinate interviews and ensure that they are conducted by persons sensitive to the needs of children.</p> <p>(4) Child victims have the right to be informed of available community resources that might assist them and how to gain access to those resources. Law enforcement and prosecutors have the duty to ensure that child victims are informed of community resources, including counseling prior to the court proceeding, and have those services available throughout the criminal justice process.</p> <p>(5)(a) Child victims have the right, once an investigation has been initiated by law enforcement or the Division of</p>

Child and Family Services, to keep confidential their interviews that are conducted at a Children's Justice Center, including video and audio recordings, and transcripts of those recordings. Except as provided in Subsection (6), recordings and transcripts of interviews may not be distributed, released, or displayed to anyone without a court order.

(b) A court order described in Subsection (5)(a):

(i) shall describe with particularity to whom the recording or transcript of the interview may be released and prohibit further distribution or viewing by anyone not named in the order; and

(ii) may impose restrictions on access to the materials considered reasonable to protect the privacy of the child victim.

(c) A parent or guardian of the child victim may petition a juvenile or district court for an order allowing the parent or guardian to view a recording or transcript upon a finding of good cause. The order shall designate the agency that is required to display the recording or transcript to the parent or guardian and shall prohibit viewing by anyone not named in the order.

(d) Following the conclusion of any legal proceedings in which the recordings or transcripts are used, the court shall order the recordings and transcripts in the court's file sealed and preserved.

(6)(a) The following offices and their designated employees may distribute and receive a recording or transcript to and from one another without a court order:

(i) the Division of Child and Family Services;

(ii) administrative law judges employed by the Department of Human Services;

(iii) Department of Human Services investigators investigating the Division of Child and Family Services or investigators authorized to investigate under Section 62A-4a-202.6;

(iv) an office of the city attorney, county attorney, district attorney, or attorney general;

(v) a law enforcement agency;

(vi) a Children's Justice Center established under Section 67-5b-102; or

(vii) the attorney for the child who is the subject of the interview.

(b) In a criminal case or in a juvenile court in which the state is a party:

(i) the parties may display and enter into evidence a recording or transcript in the course of a prosecution;

(ii) the state's attorney may distribute a recording or transcript to the attorney for the defendant, pro se defendant, respondent, or pro se respondent pursuant to a valid request for discovery;

(iii) the attorney for the defendant or respondent may do one or both of the following:

(A) release the recording or transcript to an expert retained by the attorney for the defendant or respondent if the expert agrees in writing that the expert will not distribute, release, or display the recording or transcript to anyone without prior authorization from the court; or

(B) permit the defendant or respondent to view the recording or transcript, but may not distribute or release the recording or transcript to the defendant or respondent; and

(iv) the court shall advise a pro se defendant or respondent that a recording or transcript received as part of discovery is confidential and may not be distributed, released, or displayed without prior authorization from the court.

(c) A court's failure to advise a pro se defendant or respondent that a recording or transcript received as part of discovery is confidential and may not be used as a defense to prosecution for a violation of the disclosure rule.

(d) In an administrative case, pursuant to a written request, the Division of Child and Family Services may display, but may not distribute or release, a recording or transcript to the respondent or to the respondent's designated representative.

(e)(i) Within two business days of a request from a parent or guardian of a child victim, an investigative agency shall allow the parent or guardian to view a recording after the conclusion of an interview, unless:

(A) the suspect is a parent or guardian of the child victim;

(B) the suspect resides in the home with the child victim; or

(C) the investigative agency determines that allowing the parent or guardian to view the recording would likely compromise or impede the investigation.

(ii) If the investigative agency determines that allowing the parent or guardian to view the recording would likely compromise or impede the investigation, the parent or guardian may petition a juvenile or district court for an expedited hearing on whether there is good cause for the court to enter an order allowing the parent or guardian to view the recording in accordance with Subsection (5)(c).

(iii) A Children's Justice Center shall coordinate the viewing of the recording described in this Subsection (6)(e).

(f) A multidisciplinary team assembled by a Children's Justice Center or an interdisciplinary team assembled by the Division of Child and Family Services may view a recording or transcript, but may not receive a recording or transcript.

(g) A Children's Justice Center:

(i) may distribute or display a recording or transcript to an authorized trainer or evaluator for purposes of training or evaluation; and

(ii) may display, but may not distribute, a recording or transcript to an authorized trainee.

(h) An authorized trainer or instructor may display a recording or transcript according to the terms of the authorized trainer's or instructor's contract with the Children's Justice Center or according to the authorized trainer's or instructor's scope of employment.

(i)(i) In an investigation under Section 53A-6-306, in which a child victim who is the subject of the recording or transcript has alleged criminal conduct against an educator, a law enforcement agency may distribute or release the recording or transcript to an investigator operating under State Board of Education authorization, upon the

	<p>investigator's written request.</p> <p>(ii) If the respondent in a case investigated under Section 53A-6-306 requests a hearing authorized under that section, the investigator operating under State Board of Education authorization may display, release, or distribute the recording or transcript to the prosecutor operating under State Board of Education authorization or to an expert retained by an investigator.</p> <p>(iii) Upon request for a hearing under Section 53A-6-306, a prosecutor operating under State Board of Education authorization may display the recording or transcript to a pro se respondent, to an attorney retained by the respondent, or to an expert retained by the respondent.</p> <p>(iv) The parties to a hearing authorized under Section 53A-6-306 may display and enter into evidence a recording or transcript in the course of a prosecution.</p> <p>(7) Except as otherwise provided in this section, it is a class B misdemeanor for any individual to distribute, release, or display any recording or transcript of an interview of a child victim conducted at a Children's Justice Center.</p> <p><i>Utah R. Crim. P. 15.5 (Out of court statement and testimony of child victims or child witnesses of sexual or physical abuse – conditions of admissibility).</i></p> <p><i>Utah R. Crim. P. 35(g) (Victims and witnesses).</i> Judges should give scheduling priority to those criminal cases where the victim is a minor in an effort to minimize the emotional trauma to the victim. Scheduling priorities for cases involving minor victims are subject to the scheduling priorities for criminal cases where the defendant is in custody.</p>
<p>Vermont</p>	<p><i>Vt. R. Crim. P. 44.1 (Appointment of guardian ad litem for victim who is a child).</i> In any prosecution for sexual assault under 13 V.S.A. § 3252, aggravated sexual assault under 13 V.S.A. § 3253, lewd or lascivious conduct with a child under 13 V.S.A. § 2602 or incest under 13 V.S.A. § 205, alleged to have been committed against a minor, and in any juvenile proceeding under chapter 12 of Title 33 involving a delinquent act alleged to have been committed against a minor if the delinquent act would be an offense listed in this rule if committed by an adult, the court may appoint a guardian ad litem for that minor to represent the interests of the minor. The guardian shall not be a person who is or may be a witness in the proceeding.</p> <p><i>Vt. R. Evid. 807 (Testimony where victim is a minor or a person with a psychiatric, intellectual, or developmental disability).</i></p>

Vt. R. Family Proceedings 7 (Representation by guardians ad litem and attorneys of minors who are subjects of proceedings under rules 4 and 9).

(a) Applicability. This rule applies to all proceeding under Rules 4 and 9 in which a minor child is a subject of the proceeding.

(b) Appointment of Guardian Ad Litem. In any proceeding in which the determination of parental rights and responsibilities or parent-child contact is a substantial issue, the court may appoint a guardian ad litem to assist the child in understanding the process and to provide the parties and their attorneys with information that can assist the parties in reaching an outcome that is in the best interest of the child. The guardian ad litem may be an attorney but shall not serve as the child's attorney.

(c) Appointment of Attorney. If issues related to the child are contested and the guardian ad litem recommends the appointment of an attorney for the child pursuant to Rule 7(e)(6), the court shall appoint an attorney for the child, provided that there are sufficient resources to do so and that the appointment will not cause undue delay. In appropriate circumstances, the court may appoint an attorney for the child without a request from the guardian. The court may order either or both parties to pay a reasonable fee for the attorney's service.

(d) Child as Witness.

(1) In any proceeding in which a party seeks to call as a witness a minor child who is a subject of the proceeding, the court shall hold a hearing to determine whether to allow the child to testify. If a guardian ad litem and an attorney for the child have not previously been appointed under (b) or (c), then, to assist the court in that determination:

(A) in a proceeding under Rule 4, the court shall appoint a guardian ad litem and an attorney for the child;

(B) in a proceeding under Rule 9, the court may appoint a guardian ad litem, an attorney, or both for the child.

(2) If the court finds after hearing that the testimony of the child is necessary to assist the court in determining the issue before it, that the evidence sought is not reasonably available by any other means, and that the probative value of the testimony outweighs the potential detriment to the child from being called as a witness, the court may allow the testimony, subject to the following conditions:

(A) In a proceeding under Rule 4, the court shall continue the appointment of the guardian ad litem and the attorney for the child.

(B) In a proceeding under Rule 9, the court may appoint or continue the appointment of a guardian ad litem or an attorney or both.

(C) In either case, the court may impose any further conditions that it deems appropriate to protect the child.

(e) Order of Appointment. In appointing a guardian ad litem under this rule, the court shall issue an order specifying the issues to be decided by the court and the activities to be carried out by the guardian ad litem, which may include:

(1) familiarizing herself or himself with all pertinent pleadings, existing reports, and other documents;

(2) talking to the parties;

	<p>(3) talking to the child in order to obtain information, determine the child's wishes, inform the child about the proceedings and options, and observe the child with each parent;</p> <p>(4) talking to third parties having relevant information, with parental authorization to third parties to release information as ordered by the court;</p> <p>(5) serving as a contact person between the parties and the child;</p> <p>(6) making a recommendation concerning the appointment of an attorney for the child;</p> <p>(7) performing any duties on behalf of the child as directed by the court.</p> <p>(f) Role of Guardian Ad Litem in Court Proceedings.</p> <p>(1) In Pretrial Proceedings. At any conference or pretrial proceeding:</p> <p>(A) either the attorney for the child or the guardian ad litem may state the child's position, if the child has a position;</p> <p>(B) the guardian ad litem shall, prior to the proceeding, submit to the court and the parties a list of all of the guardian ad litem's activities carried out pursuant to the court's order issued under (e);</p> <p>(C) the guardian ad litem, if requested by the court, may make a brief oral statement on the record as to matters that will help the court formulate issues for further pretrial procedure and trial. The guardian ad litem's oral statement will not be considered evidence.</p> <p>(2) In Evidentiary Hearings.</p> <p>(A) A guardian ad litem may be present at an evidentiary hearing but may not speak on the record unless an attorney for the child has been appointed and either the parties agree, or the court requests, that the guardian ad litem speak. Except as provided in (B), any statement by the guardian will not be considered evidence.</p> <p>(B) A guardian ad litem may not be called as a witness unless an attorney for the child has been appointed and the testimony of the guardian ad litem would be directly probative of a contested fact as to which no other person could be employed or subpoenaed to testify. The court may appoint a replacement for a guardian ad litem who is called as a witness.</p>
<p>Virginia</p>	<p><i>Va. Code Ann. § 18.2-67.9 (Testimony by child victims and witnesses using two-way closed-circuit television).</i></p>
<p>Washington</p>	<p><i>Wash. Rev. Code § 7.69A.030 (Rights of child victims and witnesses).</i></p> <p>In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the</p>

discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding:

- (1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.
- (2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.
- (3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.
- (4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.
- (5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.
- (6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.
- (7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.
- (8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.
- (9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.
- (10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.
- (11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness

program exists in the county.

Wash. Rev. Code § 7.69A.050 (Rights of child victims and witnesses – Confidentiality of address – Notice of right - Penalty).

At the time of reporting a crime to law enforcement officials and at the time of the initial witness interview, child victims or child witnesses of violent crimes, sex crimes, or child abuse and the child's parents shall be informed of their rights to not have their address disclosed by any law enforcement agency, prosecutor's office, defense counsel, or state agency without the permission of the child victim or the child's parents or legal guardian. The address may be disclosed to another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child. Intentional disclosure of an address in violation of this section is a misdemeanor.

Wash. Rev. Code § 9A.44.150 (Testimony of child by closed-circuit television).

Wash. Rev. Code § 10.52.100 (Identity of child victims of sexual assault not to be disclosed).

Child victims of sexual assault who are under the age of eighteen, have a right not to have disclosed to the public or press at any court proceeding involved in the prosecution of the sexual assault, the child victim's name, address, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. The court shall ensure that information identifying the child victim is not disclosed to the press or the public and that in the event of any improper disclosure the court shall make all necessary orders to restrict further dissemination of identifying information improperly obtained. Court proceedings include but are not limited to pretrial hearings, trial, sentencing, and appellate proceedings. The court shall also order that any portion of any court records, transcripts, or recordings of court proceedings that contain information identifying the child victim shall be sealed and not open to public inspection unless those identifying portions are deleted from the documents or tapes.

Wash. Rev. Code § 13.40.215(5) (Juveniles found to have committed violent or sex offense or stalking – Notification of discharge, parole, leave, release, transfer, or escape – To whom given – School attendance - Definitions).

Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send

	<p>written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.</p>
<p>West Virginia</p>	<p><i>W. Va. Code § 61-8-13 (Incest; limits on interviews of children eleven years old or less; evidence).</i></p> <p>(a) In any prosecution under the provisions of section twelve of this article, the court may provide by rule for reasonable limits on the number of interviews to which a victim who is eleven years old or less must submit for law-enforcement or discovery purposes. To the extent possible the rule shall protect the mental and emotional health of the child from the psychological damage of repeated interrogation and at the same time preserve the rights of the public and the defendant.</p> <p>(b) At any stage of the proceedings, in any prosecution under this article, the court may permit a child who is eleven years old or less to use anatomically correct dolls, mannequins or drawings to assist such child in testifying.</p> <p>(c) In any prosecution under this article in which the victim's lack of consent is based solely on the incapacity to consent because such victim was below a critical age, evidence of specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct and reputation evidence of the victim's sexual conduct shall not be admissible. In any other prosecution under this article, evidence of specific instances of the victim's prior sexual conduct with the defendant shall be admissible on the issue of consent: Provided, That such evidence heard first out of the presence of the jury is found by the judge to be relevant.</p> <p>(d) In any prosecution under this article evidence of specific instances of the victim's sexual conduct with persons other than the defendant, opinion evidence of the victim's sexual conduct and reputation evidence of the victim's sexual conduct shall not be admissible: Provided, That such evidence shall be admissible solely for the purpose of impeaching credibility, if the victim first makes his or her previous sexual conduct an issue in the trial by introducing evidence with respect thereto.</p> <p>(e) In any prosecution under this article, neither age nor mental capacity of the victim shall preclude the victim from testifying.</p> <p><i>W. Va. Code § 61-8B-14 (Limits on interviews of children eleven years old or less).</i></p> <p>In any prosecution under this article, the court may provide by rule for reasonable limits on the number of interviews to which a victim who is a child who is eleven years old or less must submit for law enforcement or discovery purposes. The rule shall to the extent possible protect the mental and emotional health of the child from the</p>

	<p>psychological damage of repeated interrogations while at the same time preserve the rights of the public and the defendant.</p> <p><i>W. Va. Code § 61-8C-5 (Limits on interviews of children eleven years old or less; evidence).</i></p> <p>(a) In any prosecution under this article, the court may provide by rule for reasonable limits on the number of interviews to which a victim who is eleven years old or less must submit for law enforcement or discovery purposes. The rule shall to the extent possible protect the mental and emotional health of the child from the psychological damage of repeated interrogation and at the same time preserve the rights of the public and the defendant.</p> <p>(b) At any stage of the proceedings, in any prosecution under this article, the court may permit a child who is eleven years old or less to use anatomically correct dolls, mannequins or drawings to assist such child in testifying.</p> <p><i>W. Va. Code § 62-6B-3 (Findings of fact required for taking testimony of child witness by closed-circuit television; considerations for court).</i></p>
<p>Wisconsin</p>	<p><i>Wis. Stat. § 950.055 (Child victims and witnesses; rights and services).</i></p> <p>(1) Legislative intent. The legislature finds that it is necessary to provide child victims and witnesses with additional consideration and different treatment than that usually afforded to adults. The legislature intends, in this section, to provide these children with additional rights and protections during their involvement with the criminal justice or juvenile justice system. The legislature urges the news media to use restraint in revealing the identity of child victims or witnesses, especially in sensitive cases.</p> <p>(2) Additional services. In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:</p> <p>(a) Explanations, in language understood by the child, of all legal proceedings in which the child will be involved.</p> <p>(b) Advice to the judge, when appropriate and as a friend of the court, regarding the child's ability to understand proceedings and questions. The services may include providing assistance in determinations concerning the taking of depositions by audiovisual means under s. 908.08 or 967.04(7) and (8) and the duty to expedite proceedings under s. 971.105.</p> <p>(c) Advice to the district attorney concerning the ability of a child witness to cooperate with the prosecution and the potential effects of the proceedings on the child.</p> <p>(d) Information about and referrals to appropriate social services programs to assist the child and the child's family in coping with the emotional impact of the crime and the subsequent proceedings in which the child is involved.</p>

(3) Program responsibility. In each county, the county board is responsible for the provision of services under this section. A county may seek reimbursement for services provided under this section as part of its program plan submitted to the department under s. 950.06. To the extent possible, counties shall utilize volunteers and existing public resources for the provision of these services.

Wis. Stat. § 967.04 (Depositions in criminal proceedings).

Wis. Stat. § 972.11(2m) (Evidence and practice; civil rules applicable).

(a) At a trial in any criminal prosecution, the court may, on its own motion or on the motion of any party, order that the testimony of any child witness be taken in a room other than the courtroom and simultaneously televised in the courtroom by means of closed-circuit audiovisual equipment if all of the following apply:

1. The court finds all of the following:

a. That the presence of the defendant during the taking of the child's testimony will result in the child suffering serious emotional distress such that the child cannot reasonably communicate.

b. That taking the testimony of the child in a room other than the courtroom and simultaneously televising the testimony in the courtroom by means of closed-circuit audiovisual equipment is necessary to minimize the trauma to the child of testifying in the courtroom setting and to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony.

2. The trial in which the child may be called as a witness will commence:

a. Prior to the child's 12th birthday; or

b. Prior to the child's 16th birthday and, in addition to its finding under subd. 1., the court finds that the interests of justice warrant that the child's testimony be taken in a room other than the courtroom and simultaneously televised in the courtroom by means of closed-circuit audiovisual equipment.

(b) Among the factors which the court may consider in determining the interests of justice under par. (a) 2. b. are any of the following:

1. The child's chronological age, level of development and capacity to comprehend the significance of the events and to verbalize about them.

2. The child's general physical and mental health.

3. Whether the events about which the child will testify constituted criminal or antisocial conduct against the child or a person with whom the child had a close emotional relationship and, if the conduct constituted a battery or a sexual assault, its duration and the extent of physical or emotional injury thereby caused.

4. The child's custodial situation and the attitude of other household members to the events about which the child will testify and to the underlying proceeding.

5. The child's familial or emotional relationship to those involved in the underlying proceeding.
 6. The child's behavior at or reaction to previous interviews concerning the events involved.
 7. Whether the child blames himself or herself for the events involved or has ever been told by any person not to disclose them; whether the child's prior reports to associates or authorities of the events have been disbelieved or not acted upon; and the child's subjective belief regarding what consequences to himself or herself, or persons with whom the child has a close emotional relationship, will ensue from providing testimony.
 8. Whether the child manifests or has manifested symptoms associated with posttraumatic stress disorder or other mental disorders, including, without limitation, reexperiencing the events, fear of their repetition, withdrawal, regression, guilt, anxiety, stress, nightmares, enuresis, lack of self-esteem, mood changes, compulsive behaviors, school problems, delinquent or antisocial behavior, phobias or changes in interpersonal relationships.
 9. The number of separate investigative, administrative and judicial proceedings at which the child's testimony may be required.
- (bm) If a court orders the testimony of a child to be taken under par. (a), the court shall do all of the following:
1. To the extent it is practical and subject to s. 972.10 (3), schedule the testimony on a date when the child's recollection is likely to be fresh and at a time of day when the child's energy and attention span are likely to be greatest.
 2. Provide a room for the child to testify from that provides adequate privacy, freedom from distractions, informality and comfort appropriate to the child's developmental level.
 3. Order a recess whenever the energy, comfort or attention span of the child or other circumstances so warrant.
 4. Determine that the child understands that it is wrong to tell a lie and will testify truthfully if the child's developmental level or verbal skills are such that administration of an oath or affirmation in the usual form would be inappropriate.
 5. Before questioning by the parties begins, attempt to place the child at ease, explain to the child the purpose of the testimony and identify all persons attending.
 6. Supervise the spatial arrangements of the room and the location, movement and deportment of all persons in attendance.
 7. Allow the child to testify while sitting on the floor, on a platform or on an appropriately sized chair, or while moving about the room within range of the visual and audio recording equipment.
 8. Bar or terminate the attendance of any person whose behavior is disruptive or unduly stressful to the child.
- (c) Only the following persons may be present in the room in which the child is giving testimony under par. (a):
- 1m. Any person necessary to operate the closed-circuit audiovisual equipment.
 - 2m. The parents of the child, the guardian or legal custodian of the child or, if no parent, guardian or legal custodian is available or the legal custodian is an agency, one individual whose presence would contribute to the welfare and

	<p>well-being of the child. 3m. One person designated by the attorney for the state and approved by the court and one person designated by either the defendant or the attorney for the defendant and approved by the court.</p>
<p>Wyoming</p>	<p><i>Wyo. Stat. Ann. § 6-4-403(f), (g) (Abandoning or endangering children; penalties; “child”; disclosure or publication of identifying information; “minor victim”).</i></p> <p>(f) Prior to the filing of an information or indictment charging a violation of W.S. 6-4-403(b)(ii), (iii) or (v)(D) or (E), neither the name of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee, except as authorized by the judge with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.</p> <p>(g) After the filing of an information or indictment and absent a request to release the identity of a minor victim by the victim or another acting on behalf of a minor victim, the trial court shall restrict the disclosure or publication of information reasonably likely to identify the minor victim.</p> <p><i>Wyo. Stat. Ann. § 7-11-408 (Videotape depositions).</i></p>

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