

152791

**LEGISLATION REGARDING CHILD HEARSAY
EXCEPTIONS IN CRIMINAL CHILD
ABUSE PROCEEDINGS**

Current through December 31, 1993

152791

U.S. Department of Justice
National Institute of Justice

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The National Center for Prosecution of Child Abuse maintains a collection of state statutes and relevant case law covering more than 40 areas of criminal child abuse and neglect. This compilation and others listed below represent a unique, comprehensive and up-to-date summary of state legislation significant to child abuse prosecution. The collection is updated annually and expands with the passage of new state legislation and major appellate decisions. The following summaries can be ordered from Publications, American Prosecutors Research Institute, 99 Canal Center, Suite 510, Alexandria VA 22314 (FAX: 703/549-6259):

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Introduction

State legislation authorizing the introduction of child hearsay in criminal trials must be interpreted in light of the United States Supreme Court's decision in *Idaho v. Wright*, 110 S. Ct. 3139 (1990). In *Wright*, the trial court admitted the victim's statements made to a physician during a medical examination under Idaho's residual hearsay exception. The Supreme Court, while ruling that the statements were improperly admitted, rejected an argument that a child's hearsay statements are *per se* unreliable and cannot be admitted into evidence.

The Court followed the general approach to hearsay set forth in *Ohio v. Roberts*, 448 U.S. 56 (1980), for determining when incriminating statements admissible under a statutory exception to the hearsay rule also meet the requirements of the Confrontation Clause. In *Roberts* the Court established a two-prong test that must be met before a hearsay statement is admissible. First, the prosecution must either produce or demonstrate the unavailability of the declarant whose statement it wishes to use against the defendant. Second, the statement must bear adequate "indicia of reliability." Since child hearsay is not a firmly rooted hearsay exception in which reliability can be inferred, the prosecution must show that the statement has "particularized guarantees of trustworthiness."

For a child's statement to be admissible, the declarant's truthfulness must be "so clear from the surrounding circumstances that the test of cross-examination would be of marginal utility." 110 S. Ct. at 3149. Furthermore, since the statement must be inherently trustworthy, extrinsic evidence such as an eyewitness or a confession which corroborates the truth of a hearsay statement is irrelevant. The Court cited the following examples of factors indicating whether hearsay statements made by a child witness in child sexual abuse cases are reliable:

1. spontaneity and consistent repetition (*State v. Robinson*, 735 P.2d 801 (Ariz. 1987));
2. mental state of the declarant (*Morgan v. Foretich*, 846 F.2d 941 (CA4 1988));
3. use of terminology unexpected of a child of similar age (*State v. Sorenson*, 421 N.W.2d 77 (Wis. 1988));
4. lack of motive to fabricate (*State v. Kuone*, 757 P.2d 289 (Kan. 1988)).

The Court further noted that the Confrontation Clause does not automatically bar admission of prior statements of a declarant unable to communicate to the jury at the time of trial. It argued that "[a]lthough such inability might be relevant to whether the earlier hearsay statement possessed particularized guarantees of trustworthiness, a *per se* rule of exclusion would not only frustrate the truth-seeking purpose of the Confrontation Clause, but would also hinder States in their own 'enlightened development in the law of evidence.'" 110 S. Ct. at 3151-3152 (quoting *Dutton v. Evans*, 400 U.S. 74, 95 (1970)).

**Legislation Regarding the Use of Special
Hearsay Exceptions for Criminal Child Abuse Cases***
(Current through December 31, 1993)

STATE STATUTES

Alabama	Ala. Code §§ 15-25-31 through 15-25-37 (1989)
Alaska	Alaska Stat. § 12.40.110 (1985) (grand jury only)
Arizona	Ariz. Rev. Stat. Ann. § 13-1416 (1987)+
Arkansas	Ark. R. Evid. 803(25) (1992)+
California	Cal. Evid. Code § 1228 (1985)
Colorado	Colo. Rev. Stat. § 13-25-129 (1993) Colo. Rev. Stat. § 18-3-411(1) (1991) Colo. Rev. Stat. § 18-3-411(3) (1983)
Delaware	Del. Code Ann. tit. 11, § 3513 (1992)
Florida	Fla. Stat. Ann. § 90.803(23) (1990)
Georgia	Ga. Code Ann. § 24-3-16 (1986)
Idaho	Idaho Code § 19-3024 (1986)
Illinois	725 Ill. Comp. Stat. Ann. § 5/115-10 (1993)
Indiana	Ind. Code Ann. § 35-37-4-6 (1993)
Kansas	Kan. Stat. Ann. § 60-460(dd) (1988)

* This compilation includes all statutes (excluding military and tribal statutes) that provide a special hearsay exception for child victims and witnesses in a criminal proceeding. As used in this summary, "Crimes" refers to the crimes specifically listed within the statute. "Age" refers to the victim's age as specified in the statute. "Applicability" refers to the status the child-declarant must fall under in order for the statutory exception to apply. "Criteria for admissibility" refers to the conditions specified in the statute, all of which must be met before a hearsay statement may be introduced in the criminal proceeding. The citation date refers to the year of passage or latest amendment.

+ Held facially unconstitutional.

Maine	Me. Rev. Stat. Ann. tit. 15, § 1205 (1989)
Maryland	Md. Cts. & Jud. Proc. Code Ann. § 9-103.1 (1993)
Massachusetts	Mass. Gen. Laws Ann. ch. 233, § 81 (1990)
Michigan	Mich. R. Evid. 803A (1991)
Minnesota	Minn. Stat. Ann. § 595.02(3) (1993)
Mississippi	Miss. Code Ann. § 13-1-403 (1986)+ Miss. R. Evid. 803(25) (1991)
Missouri	Mo. Rev. Stat. § 491.075 (1992)
Nevada	Nev. Rev. Stat. § 51.385 (1985)
New Jersey	N.J. R. Evid. 63(33) (1989)
North Dakota	N.D. R. Evid. 803(24) (1990)
Ohio	Ohio R. Evid. 807 (1991)
Oklahoma	Okla. Stat. Ann. tit. 12, § 2803.1 (1992)
Oregon	Or. Rev. Stat. § 40.460 (1991)
Pennsylvania	42 Pa. Cons. Stat. § 5985.1 (1989)
South Dakota	S.D. Codified Laws Ann. § 19-16-38 (1992)
Texas	Tex. Crim. Proc. Code Ann. § 38.072 (1985)
Utah	Utah Code Ann. § 76-5-411 (1989)
Vermont	Vt. R. Evid. 804a (1986) Vt. R. Crim. Proc. 26(d) (1989)
Washington	Wash. Rev. Code Ann. § 9A.44.120 (1991)

+ Held facially unconstitutional

**Summary of Legislation Regarding
the Use of Special Hearsay Exceptions
in Criminal Child Abuse Cases
(Current through December 31, 1993)**

ALABAMA

Ala. Code §§ 15-25-31 through 15-25-37 (1989)

- Crimes:
- rape
 - sodomy
 - sexual abuse
 - sexual misconduct
 - enticing a child to enter a vehicle, room, house, office, or other place, for immoral purposes
 - any crime involving the production of child pornography

- Age:
- under 12 years of age at the time of the proceeding

Applicability:

- victim or witness

Criteria for admissibility:

- the statement concerns a material element of the offense
- the child-declarant either:
 - a. testifies at the proceeding or by means of videotape deposition, or testifies by closed-circuit television; and, at the time of the testimony, the child-declarant is subject to cross-examination about the out-of-court statements; or
 - b. is unavailable and the statement is shown to the reasonable satisfaction of the court to possess particularized guarantees of trustworthiness

Criteria for unavailability:

- child-declarant's death;
- the court finds reasonable grounds to believe that the defendant, or someone acting for defendant, has intentionally removed the child-declarant from the jurisdiction of the court;
- child-declarant's total failure of memory;
- child-declarant's physical/mental disability;
- child-declarant's incompetency (including an inability to communicate because of fear; or
- a substantial likelihood that the child-declarant will suffer severe emotional trauma

Note: the finding of unavailability must be supported by expert testimony

Factors to consider in determining trustworthiness:

- the child-declarant's personal knowledge
- the age and maturity of the child-declarant
- certainty that the statement was made, including the credibility of the person testifying about the statement
- any apparent motive the child-declarant may have to falsify or distort the event, including bias, corruption, or coercion
- the timing of the statement
- whether more than one person heard the statement
- whether the child-declarant was suffering from pain or distress when he/she made the statement
- the nature and duration of the alleged abuse
- whether the statement represents a graphic account beyond the child-declarant's knowledge and experience
- whether the statement has a "ring of veracity," has an internal consistency or coherence, and uses terminology appropriate to the child's age
- whether the statement is spontaneous or directly responsive to questions
- whether the statement is suggestive due to improperly leading questions

Special issues:

- the proponent of the statement shall give the adverse party notice of the opponent's intention to offer the statement and the content of the statement sufficiently in advance of the proceeding to provide the defendant with a fair opportunity to prepare a response to the statement before the proceeding at which it is offered
- the court shall inform the jury that the out-of-court statement was taken without the defendant being afforded cross-examination of such out-of-court statement
- the court shall support with findings and record any rulings pertaining to the child-declarant's unavailability and the trustworthiness of the out-of-court statement

Held constitutional by the Court of Criminal Appeals of Alabama in *Fortner v. State*, 582 So. 2d 581 (1990).

ALASKA

Alaska Stat. § 12.40.110 (1985) (only applicable to grand jury proceedings)

Crimes: - sexual offenses

Age: - under 10 years of age at the time of the proceeding

Applicability:

- victim

Criteria for admissibility:

- the statement is related to the offense
- the circumstances of the statement indicate reliability
- additional evidence is introduced to corroborate the statement
- the child-declarant either:
 - a. testifies at the grand jury proceeding; or
 - b. will be available to testify at trial

Held constitutional by the Court of Appeals of Alaska in *Murray v. State*, 770 P.2d 1131 (1989).

In addition, *Murray* noted: "Both the United States Supreme Court and the Alaska Supreme Court have held that an indictment may be based entirely on hearsay testimony. *Costello v. United States*, 350 U.S. 359, 363-4 (1956); *Taggard v. State*, 500 P.2d 238, 242 (Alaska 1972).

ARIZONA

Ariz. Rev. Stat. Ann. § 13-1416 (1987)

Crimes: - sexual offenses
- physical abuse

Age: - under 10 years of age

Applicability:
- victim or witness

Criteria for admissibility:

- the court finds in an in camera proceeding that the time, content and circumstances surrounding the statement have sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at the proceeding; or
 - b. is unavailable as a witness and there is corroborative evidence of the statement

Special issue:

- the proponent of the statement must make known to the adverse party his/her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement

Held unconstitutional under the Arizona Constitution by the Supreme Court of Arizona in *State v. Robinson*, 735 P.2d 801 (1987).

The court held that § 13-1416 conflicts with Arizona's Rules of Evidence and impermissibly infringes on the court's constitutional authority to make procedural rules

for the judiciary, and therefore violates the Arizona Constitution. The admissibility of child hearsay statements should be determined under Arizona's Rules of Evidence.

ARKANSAS

Ark. R. Evid. 803(25) (1992)

Crimes: - sexual offenses
- child abuse
- incest

Age: - under 10 years of age

Applicability:

- victim

Criteria for admissibility:

- the court finds, in a hearing outside the presence of the jury, that the statement offered possesses a reasonable likelihood of trustworthiness

Factors to consider in determining trustworthiness:

- the spontaneity and consistency of repetition of the statement by the child
- the mental state of the child
- the child's use of terminology unexpected of a child of similar age
- the lack of a motive by the child to fabricate the statement

Special issues:

- Before the hearsay testimony is admitted by the court and without regard to the determination of competency, the court will examine the child on the record in camera. The court shall not be required to examine the child nor shall it require the attendance of the child at the hearing if the court determines the examination and attendance will be against the best interest of the child.

- the proponent of the statement shall give the adverse party reasonable notice of his/her intention to offer the statement and the particulars of the statement

- the court shall instruct the jury to determine for themselves the weight and credit to be given to the statement, and in making that determination, the jury shall consider the age and maturity of the child-declarant, the nature of the statement, the circumstances under which the statement was made and other relevant factors

Prior version of statute held facially unconstitutional under the Federal Constitution by the Supreme Court of Arkansas in *George v. State*, 813 S.W.2d 792 (1991). The Court reviewed Rule 803(25) in light of *Idaho v. Wright* and held the rule "constitutionally defective on its face." The court determined that impermissible factors, such as corroborative evidence, were included and relevant factors, as

specified in *Wright* were not. Nonetheless, the court affirmed the trial court's holding by finding: "To the extent that the trial court did consider corroborative evidence, we hold it was harmless error."

CALIFORNIA

Cal. Evid. Code § 1228 (1985) (only for the purpose of admitting the defendant's confession)

Crime: - sexual abuse

Age: - under 12 years of age

Applicability:

- victim

Criteria for admissibility:

- the statement is admitted only to establish the elements of a sexual offense in order to admit as evidence the confession of the accused
- the statement was included in a written report of a law enforcement official or an employee of a county welfare department
- the statement was made prior to the defendant's confession (the court shall view with caution the testimony of a person recounting hearsay where there is evidence of personal bias or prejudice)
- the child-declarant is found to be unavailable or refuses to testify
- there are no circumstances, such as significant inconsistencies between the defendant's confession and the statement concerning material facts establishing an element of the crime or the identification of the defendant, that would render the statement unreliable
- the confession was memorialized in a trustworthy fashion by a law enforcement official

Special issues:

- the prosecution shall serve a written notice upon the defendant at least 10 days before the hearing or trial at which the prosecution intends to offer the statement
- if the statement is offered during trial, the court's determination shall be made out of the presence of the jury; if the statement is found to be admissible, it shall be admitted out of the presence of the jury and only for the purpose of determining the admissibility of the confession of the defendant

COLORADO

Colo. Rev. Stat. § 13-25-129 (1993)

Colo. Rev. Stat. § 18-3-411(1) (1991)

Colo. Rev. Stat. § 18-3-411(3) (1983)

Crimes:

- sexual assault
- aggravated incest
- sexual exploitation of a child
- procurement of a child for sexual exploitation
- soliciting a child for prostitution
- pandering of a child
- procurement of a child
- keeping a place of child prostitution
- pimping of a child
- inducement of child prostitution
- patronizing a prostituted child
- criminal attempt, conspiracy or solicitation to commit any of the above mentioned acts

Age: - under 15 years of age at the time of the commission of the act

Applicability:

- victim or witness

Criteria for admissibility:

- the statement describes a sexual offense performed with, by, on, or in the presence of the child-declarant (note: although "in the presence of" was added to the language of § 13-25-129, similar language was not added to § 18-3-411, the portion of the criminal code which delineates the sex offenses included and which refers to the hearsay exception)
- the court finds, in a hearing outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient safeguards for its reliability
- the child-declarant either:
 - a. testifies at the proceeding; or
 - b. is unavailable as a witness and there is corroborative evidence of the act which is the subject of the statement

Special issues:

- the court shall instruct the jury in the final written instructions that during the proceeding the jury heard evidence repeating a child's out-of-court statement and it must determine the weight and credit to give the statement, and, in so doing, the jury shall consider:
 - a. the age and maturity of the child-declarant
 - b. the nature of the statement
 - c. the circumstances under which the comment was made

d. other relevant factors

- the proponent of the statement shall give the adverse party reasonable notice of his/her intention to offer the statement and the particulars of the statement

Held constitutional by the Colorado Supreme Court in *People v. Diefenderfer*, 784 P.2d 741 (1989).

However, the trial court must give a cautionary instruction contemporaneously with the admission of an out-of-court statement and again in the court's general charge to the jury at the conclusion of the case. Failure to do so is reversible error. See also *People v. McClure*, 779 P.2d 864 (1989) and *People v. Bowers*, 801 P.2d 511 (1990).

DELAWARE

Del. Code Ann. tit. 11, § 3513 (1992)

- Crimes:
- indecent exposure
 - incest
 - unlawful sexual contact
 - unlawful sexual penetration
 - unlawful sexual intercourse
 - kidnapping
 - assault
 - sexual exploitation of a child

Age: - under 11 years of age at the time of the proceeding

Applicability:
- victim or witness

Criteria for admissibility:

- the child is present and his or her testimony touches upon the event and is subject to cross-examination rendering such prior statement admissible as a prior statement as affirmative evidence
- the child is found by the court to be unavailable to testify and the child's out-of-court statement is shown to possess particularized guarantees of trustworthiness.

Criteria for determining whether child is unavailable:

- the child's death
- the child's absence from the jurisdiction
- the child's total failure of memory
- the child's persistent refusal to testify despite judicial requests to do so
- the child's physical or mental disability
- the existence of a privilege involving the child

- the child's incompetency, including the child's inability to communicate about the offense because of fear or a similar reason
- substantial likelihood that the child would suffer severe emotional trauma from testifying at the proceeding or by means of a videotaped deposition or closed-circuit television

Factors to consider in determining trustworthiness:

- the child's personal knowledge of the event
- the age and maturity of the child
- certainty that the statement was made, including the credibility of the person testifying about the statement
- any apparent motive the child may have to falsify or distort the event, including bias, corruption, or coercion
- the timing of the child's statement
- whether more than one person heard the statement
- whether the child was suffering pain or distress when making the statement
- the nature and duration of any alleged abuse
- whether the child's young age makes it unlikely that the child fabricated a statement that represents a graphic, detailed account beyond the child's knowledge and experience
- whether the statement has a "ring of verity," has internal consistency or coherence and uses terminology appropriate to the child's age
- whether the statement is spontaneous or directly responsive to questions
- whether the statement is suggestive due to improperly leading questions
- whether extrinsic evidence exists to show the defendant's opportunity to commit the act complained of in the child's statement

Special issue:

- the proponent of the statement must inform the adverse party of the proponent's intention to offer the statement and the content of the statement sufficiently in advance of the proceeding to provide the adverse party with a fair opportunity to prepare a response to the statement before the proceeding at which it is offered.

Held constitutional by the Supreme Court of Delaware in *State v. Krick*, 643 A.2d 331 (1993).

FLORIDA

Fla. Stat. Ann. § 90.803(23) (1990)

- Crimes:
- sexual abuse
 - physical abuse
 - any offense involving an unlawful sexual act, contact, intrusion, or penetration

- Age:
- physical, mental, emotional or developmental age of 11 or younger

Applicability:

- victim or witness

Criteria for admissibility:

- the court must determine, in a hearing outside the presence of the jury, that the time, content and circumstances surrounding the statement are sufficient to safeguard reliability
- the child-declarant either:
 - a. testifies at the proceeding; or
 - b. is unavailable to testify and there is other corroborative evidence (in addition to other statutory definitions of unavailability, unavailability under this statute shall include a finding that there is a substantial likelihood that testifying may result in severe emotional or mental harm to the child-declarant)

Factors to consider in determining trustworthiness:

- mental and physical age of the child-declarant
- maturity of the child-declarant
- nature and duration of the abuse
- relationship of the child-declarant to the offender
- reliability of the assertion
- reliability of the child-declarant victim
- any other factor deemed appropriate

Special issues:

- the defendant must be notified no later than ten days before the trial that the statement will be offered; notice shall include a statement indicating reliability, content, circumstances when made, time at which statement made, and other particulars necessary to provide full disclosure of statement
- the court shall make specific findings of fact as a basis for its ruling

Held constitutional by the Supreme Court of Florida in *Glendening v. State*, 536 So. 2d 212 (Fla. 1988), *cert. denied*, 492 U.S. 907 (1989).

The trial judge is not required to personally examine the child before finding that hearsay statements are reliable. The trial judge is also not required to determine whether the child is competent to testify. *Perez v. State*, 536 So. 2d 206 (Fla. 1988).

GEORGIA

Ga. Code Ann. § 24-3-16 (1986)

Crimes: - sexual contact
- physical abuse

Age: - under 14 years of age

Applicability:

- victim

Criteria for admissibility:

- the child is available to testify in the proceedings
- the court finds that the circumstances of the statement provide sufficient indicia of reliability

Held constitutional by the Court of Appeals of Georgia in *Reynolds v. State*, 363 S.E.2d 249 (Ga. Ct. App. 1988) and *Rayburn v. State*, 391 S.E.2d 780 (Ga. Ct. App. 1990).

IDAHO

Idaho Code § 19-3024 (1986)

- Crimes:
- sexual abuse
 - physical abuse
 - other criminal conduct committed with or upon the child

Age: - under 10 years of age

Applicability:

- victim

Criteria for admissibility:

- a proper foundation is laid
- the court finds, in a hearing conducted outside the presence of the jury, that the time, conduct and circumstances provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at proceedings; or
 - b. is unavailable as a witness and there is corroborative evidence of the act (unavailability includes death or then existing physical or mental illness or infirmity)

Special issue:

- the proponent of the statement must notify the adverse party of his/her intention to offer the statements and the particulars of the statements sufficiently in advance to provide the adverse party with a fair opportunity to prepare to meet the statements

ILLINOIS

725 Ill. Comp. Stat. Ann. § 5/115-10 (1993)

Crimes: - physical or sexual assault upon or against the child-declarant

Age: - under 13 years of age at the time of the assault

Applicability:

- victim

Criteria for admissibility:

- hearsay statements covered by this exception include:
 - a. testimony by the child-declarant of an out of court statement made by such child-declarant that he/she complained of such act to another person
 - b. testimony concerning an out-of-court statement, made by the child-declarant, which describes a complaint of, or detail about, the act or element of an offense that is subject to prosecution for sexual abuse of a child
- the court must find, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at the proceeding; or
 - b. is unavailable and there is corroborative evidence of the act which is the subject of the statement

Special issues:

- the proponent of the statement shall give the adverse party reasonable notice of his/her intention to offer the statement and the particulars of the statement
- if a statement is admitted pursuant to this exception to the hearsay rule, the court shall instruct the jury that it is for the jury to determine the weight and credibility to be given the statement and that, in making the determination, it shall consider the age and maturity of the child-declarant, the nature of the statement, the circumstances under which the statement was made, and any other relevant factor

Held constitutional by the Appellate Court of Illinois in *People v. Rocha*, 547 N.E. 2d 1335 (1989).

However, the prosecutor must make a good-faith effort to obtain the witness' presence at trial. Incompetence to testify due to the inability to communicate or because of the child-declarant's tender years does not render unreliable the child-declarant's out-of-court statements. Also, the legislature's intent was to include within the meaning of "unavailable" witnesses those children who are unable to testify because of fear, inability to communicate in the courtroom setting or incompetence.

INDIANA

Ind. Code Ann. § 35-37-4-6 (1993)

- Crimes:
- sex crimes
 - battery upon a child
 - kidnapping and confinement
 - incest
 - neglect of a dependent
 - attempt of one of the above crimes

- Age:
- under 14 years of age at the time of the trial

Applicability:

- victim

Criteria for admissibility:

- the statement or videotape concerns an act that is a material element of an offense allegedly committed against the child-declarant
- the court finds in a hearing conducted outside the presence of the jury and attended by the child-declarant, that the time, content and circumstances of the statement or videotape and any other evidence provide sufficient indications of reliability
- the child-declarant:
 - a. testifies at the hearing; or
 - b. is found by the court to be unavailable, but was available for face-to-face cross-examination when the statement or videotape was made

Criteria for unavailability:

- a psychiatrist certifies the child-declarant's participation would be traumatic;
- a physician certifies that the child-declarant cannot participate in trial for medical reasons; or
- the court determines the child-declarant is incapable of understanding the nature and obligation of an oath

Special issue:

- the prosecuting attorney must inform the defendant and the defendant's attorney at least ten days before the trial of the state's intention to introduce the statement or videotape into evidence and the content of the statement or videotape

KANSAS

Kan. Stat. Ann. § 60-460(dd) (1988)

Crimes: - any crime in which the child is alleged to be the victim

Age: - not specified

Applicability:

- victim

Criteria for admissibility:

- the judge finds, after a hearing on the matter, that:
 - a. the child-declarant is disqualified or unavailable as a witness;
 - b. the statement is apparently reliable; and
 - c. the child-declarant was not induced to make the statement falsely by use of threats or promises

Special issue:

- the judge shall instruct the jury that it shall determine the weight and credit to be given to a statement, taking into consideration age and maturity of child-declarant, nature of the statement, circumstances under which statement made, any threats or promises which could have been made to induce the statement, or any other relevant factor

Held constitutional by the Supreme Court of Kansas in *State v. Myatt*, 697 P.2d 836 (1985) (unanimous opinion), affirmed by the U.S. Court of Appeals in *Myatt v. Hannigan*, 910 F.2d 680 (10th Cir. 1990). *See also State v. Lanter*, 699 P.2d 503 (Kan. 1985) (3 year-old victim's out-of-court hearsay statement was sufficiently reliable).

MAINE

Me. Rev. Stat. Ann. tit. 15, § 1205 (1989)

Crimes: - any crime involving a sexual act or sexual contact

Age: - under 16 years of age at the time the statement was made

Applicability:

- victim

Criteria for admissibility:

- the court finds that the mental or physical well-being of the child-declarant will more likely than not be harmed by testifying in open court
- the statement:
 - a. was made under oath, subject to all rights of confrontation (under both the Maine and the U.S. constitutions);

- b. was recorded by any means approved by the court; and
- c. was made in the presence of a judge or justice

Held constitutional by the Supreme Court of Maine in *State v. Twist*, 528 A.2d 1250 (1987).

MARYLAND

Md. Cts. & Jud. Proc. Code Ann. § 9-103.1 (1993)

- Crimes:
- child abuse
 - rape
 - sexual offense
 - assault with intent to commit rape or sexual offense

Age: - under 12 years of age when the statement was made

Applicability:

- victim

Criteria for admissibility:

- the statement was made to and testified to by:
 - a. a licensed physician;
 - b. a licensed psychologist;
 - c. a licensed social worker; or
 - d. a teacher
- the witness who testifies to the statement was acting in the course of the witness' profession when the statement was made
- the court finds the statement possesses particularized guarantees of trustworthiness
- the child-declarant either:
 - a. testifies at trial or through closed-circuit television, and is subject to cross-examination; or
 - b. the child-declarant is unavailable to testify at the proceeding, and there is corroborative evidence of the act

Criteria for unavailability:

- death;
- absence from the jurisdiction, for good cause shown, and the state is unable to procure the child-declarant's presence by subpoena or other reasonable means;
- serious physical disability; or
- inability to communicate about the alleged offense due to emotional stress

Factors to consider in determining trustworthiness:

- child-declarant's personal knowledge of the event
- certainty that the statement was made
- any motivation to fabricate or exhibit partiality by the child-declarant, including interest, bias, corruption, or coercion
- whether the statement was spontaneous or directly responsive to questions
- timing of the statement
- whether the child-declarant's young age makes it unlikely that the child-declarant fabricated the statement that represents a graphic, detailed account beyond the child-declarant's knowledge and experience and the appropriateness of the terminology to the child-declarant's age
- nature and duration of the abuse
- inner consistency and coherence of the statement
- whether the child-declarant was suffering from pain or distress while making the statement
- whether extrinsic evidence exists to show the defendant's opportunity to commit the act complained of
- whether the statement is suggestive due to the use of leading questions
- credibility of the person testifying about the statement

Special issues:

- at least twenty days before the criminal proceeding, the prosecutor shall give notice to the defendant of his/her intention to introduce the statement and the content of the statement
- the defendant has the right to take the deposition of a child-witness who will testify under this statute: unless the state and the defendant agree, or the court orders otherwise, the defendant shall file a notice of deposition at least five days before the date of the deposition
- the court, in determining the admissibility of a statement, shall make a finding on the record as to the specific guarantees of trustworthiness that are present in the statement.

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 233, § 81 (1990)

Crimes: - act of sexual contact

Age: - under the age of 10

Applicability:

- victim

Criteria for admissibility:

- the statement describes an act of sexual contact performed on or with the child, and the circumstances under which it occurred, or identifies the perpetrator
- the statement is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence the proponent can procure through reasonable efforts
- the person to whom the statement was made or who heard the child-declarant make the statement testifies
- the judge finds that the proponent of the statement has demonstrated a diligent and good faith effort to produce the child-declarant and has carried the burden of showing unavailability (the judge's finding of unavailability must be supported by specific findings on the record, demonstrating that a criterion for unavailability has been met)
- if a finding of unavailability is made, the out-of-court statement shall be admitted if the judge further finds:
 - a. after holding a separate hearing, that the statement was made under oath, was accurately recorded and preserved, and there was sufficient opportunity to cross-examine; or
 - b. after holding a separate hearing and, where practicable and where not inconsistent with the best interests of the child-declarant, meeting with the child-declarant, that the statement was made under circumstances inherently demonstrating a special guarantee of reliability

Criteria for unavailability:

- the child-declarant is unable to be present or to testify because of death or physical or mental illness or infirmity;
- by a ruling of the court, the child-declarant is exempt on the ground of privilege from testifying concerning the subject matter of the statement;
- the child-declarant testifies to a lack of memory of the subject matter of the statement;
- the child-declarant is absent from the hearing and the proponent of the statement has been unable to procure the attendance of the child-declarant by process or by other reasonable means;
- the court finds, based upon expert testimony from a treating psychiatrist, psychologist, or clinician, that testifying would be likely to cause severe psychological or emotional trauma to the child-declarant; or
- the child-declarant is not competent to testify

Factor which may be considered in determining reliability:

- whether the relator documented the child witness' statement

Factors which must be considered in determining reliability:

- the clarity of the child-declarant's statement, meaning, the child-declarant's capacity to observe, remember, and give expression to that which the child has seen, heard, or experienced; provided, however, that a finding under this clause shall be supported by expert testimony from a treating psychiatrist, psychologist, or clinician
- the time, content and circumstances of the statement
- the existence of corroborative evidence of the substance of the statement regarding the abuse including either the act, the circumstances, or the identity of the perpetrator
- the child-declarant's sincerity and ability to appreciate the consequences of the statement

MICHIGAN

Mich. R. Evid. 803A (1991)

Crimes: - a sexual act performed with or on the child-declarant

Age: - under 10 years of age when the statement was made

Applicability:

- victim

Criteria for admissibility:

- the statement is admissible to the extent that it corroborates testimony given by the child-declarant during the same proceeding
- the statement is shown to have been spontaneous and without indication of manufacture
- either the child-declarant made the statement immediately after the incident or any delay is excusable as having been caused by fear or other equally effective circumstance

Special Issues:

- if the child-declarant made more than one corroborative statement about the incident, only the first is admissible under this rule

- the proponent of the statement must notify the adverse party of his/her intention to offer the statement, and the particulars of the statement, sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet the statement

MINNESOTA

Minn. Stat. Ann. § 595.02(3) (1993)

- Crimes:
- sexual contact or penetration
 - physical abuse
 - mental impairment

Age: - under 10 years of age

Applicability:

- victim

Criteria for admissibility:

- the child-declarant's statement alleges, explains, denies, or describes an act of sexual contact or penetration performed with or on the child-declarant or any act of physical abuse of the child-declarant
- the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement was made provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at the proceeding; or
 - b. is unavailable to testify and there is corroborative evidence of the act

Special issues:

- the proponent of the statement must notify the adverse party of his/her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding to provide the adverse party with a fair opportunity to prepare to meet the statement
- out-of-court statements include video, audio, and other recorded statements

MISSISSIPPI

Miss. Code Ann. § 13-1-403 (1986)

- Crimes:
- child abuse
 - sexual abuse
 - any other unlawful sexual act

Age: - under 12 years of age

Applicability:

- victim or witness

Criteria for admissibility:

- the statement was made for the purpose of receiving assistance or advice in order to prevent or mitigate recurrence of the offenses or in order to obtain advice about psychological, social or familial consequences associated with the offenses
- the statement was made to a person on whom the child-declarant should reasonably be able to rely for assistance, counseling or advice
- the court finds in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient guarantees of trustworthiness
- the child-declarant either:
 - a. is available to testify; or
 - b. is unavailable and there is corroborative evidence of the abuse or offense (unavailability requires a finding by the court, based on the specific behavioral indicators described in § 13-1-411, that the child's participation in the trial would result in a substantial likelihood of traumatic emotional or mental distress)

Factors which may be considered in determining trustworthiness:

- age and maturity of the child-declarant
- nature and duration of the abuse alleged
- factors that may detract from the child-declarant's credibility
- information provided about the child-declarant's credibility
- any other factor deemed appropriate

Special issues:

- the defendant shall be notified no later than ten days before trial that an out-of-court statement shall be offered in evidence at trial; the notice shall include a written statement of the content of the child's statement, the time the statement was made, the circumstances surrounding the statement which indicate its reliability and such other particulars as necessary to provide full disclosure of the statement
- the court shall make specific findings of fact on the record, as to the basis for its ruling under this section

Held facially unconstitutional under the state constitution by the Supreme Court of Mississippi in *Hall v. State*, 539 So. 2d 1338 (1989).

The court ruled that the statute violates the state constitutional provision ensuring the

separation of powers. Neither the executive nor the legislative branches have the right to confer legal validity to the child hearsay statute.

Miss. R. Evid. 803(25) (1991)

Crimes: - any act of sexual contact performed with or on the child-declarant

Age: - of tender years

Applicability:

- victim

Criteria for admissibility:

- the court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide substantial indicia of reliability
- the child-declarant either:
 - a. testifies at the proceedings; or
 - b. is unavailable as a witness, and there is corroborative evidence of the act

MISSOURI

Mo. Rev. Stat. § 491.075 (1992)

Crimes: - sexual offenses
- endangering the welfare of a child
- abuse of a child
- assault

Age: - under 12 years of age when the statement was made

Applicability:

- victim

Criteria for admissibility:

- the court finds, in a hearing conducted outside the presence of the jury, that the time, content and circumstances of the statement provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at proceedings; or
 - b. is unavailable as a witness; or
 - c. the child is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child

unavailable as a witness at the time of the criminal proceeding.

Special issues:

- a statement by the child-declarant alleged to be the victim of an offense, is sufficient corroboration of a statement, admission or confession by the defendant regardless of whether the child-declarant is available to testify regarding the offense
- the prosecuting attorney must make known to the accused or his/her counsel his/her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or his/her counsel with a fair opportunity to prepare to meet the statement

Held constitutional by the Supreme Court of Missouri in *State v. Wright*, 751 S.W.2d 48 (1988).

See also State v. Blue, 811 S.W.2d 405 (Mo. Ct. App. 1991), which held that hearsay testimony by three persons as to out-of-court statements made by an 11-year-old child, and medical evidence corroborating a charge of rape, supported a conviction of rape even though the child denied at trial that she was raped by the defendant.

NEVADA

Nev. Rev. Stat. § 51.385 (1985)

Crimes: - sexual conduct

Age: - under 10 years of age at the time of the statement

Applicability:

- victim

Criteria for admissibility:

- the court finds, in a hearing outside of the presence of the jury, that the time, content, and circumstances are sufficient to be circumstantial guarantees of trustworthiness
- the child-declarant either:
 - a. testifies at the proceeding; or
 - b. is unavailable/unable to testify

Special issue:

- if the child-declarant is unavailable or unable to testify, written notice must be given to the defendant at least ten days before the trial of the prosecution's intention to offer the statement in evidence

Held facially constitutional by the Supreme Court of Nevada in *Bockting v. State*, 847 P.2d 1364 (1993).

NEW JERSEY

N.J. R. Evid. 63(33) (1989)

Crimes: - sexual offenses

Age: - under 12 years of age

Applicability:

- victim

Criteria for admissibility:

- the court finds, in a hearing, that on the basis of the time, content, and circumstances of the statement there is a probability that the statement is trustworthy
- the child-declarant either:
 - a. testifies at the trial; or
 - b. is unavailable as a witness and there is offered admissible evidence corroborating the act of sexual abuse

Special issue:

- the proponent of the statement shall make known to the adverse party his/her intention to offer the statement and the particulars of the statement at such time as to provide him/her with a fair opportunity to prepare to meet it

NORTH DAKOTA

N.D. R. Evid. 803(24) (1990)

Crime: - sexual abuse

Age: - under the age of 12

Applicability:

- victim or witness

Criteria for admissibility:

- the trial court finds, after hearing upon notice in advance of the trial, that the time, content and circumstances provide sufficient guarantees of trustworthiness
- the child-declarant either:
 - a. testifies at the proceedings; or
 - b. is unavailable as a witness and there is corroborative evidence of the act

OHIO

Ohio R. Evid. 807 (1991)

Crimes: - any crime involving a sexual act or act of physical violence

Age: - under 12 years of age at the time of trial or hearing

Applicability:

- victim

Criteria for admissibility:

- the totality of the circumstances surrounding the making of the statement provides particularized guarantees of trustworthiness that make the statement at least as reliable as statements admitted pursuant to Evid. Rules 803 and 804
- the circumstances establish that the child-declarant was particularly likely to be telling the truth when the statement was made and the test of cross-examination would add little to the reliability of the statement
- the child-declarant's testimony is not reasonably obtainable by the proponent of the statement
- there is independent proof of the sexual act or act of physical violence

Factors to consider in determining reliability:

- spontaneity
- the internal consistency of the statement
- the mental state of the child-declarant
- the child-declarant's motive or lack of motive to fabricate
- the child-declarant's use of terminology unexpected of a child of similar age
- the means by which the statement was elicited
- the lapse of time between the act and the statement
- other circumstances surrounding the making of the statement

Note: in making a determination of reliability, the court shall not consider whether there is independent proof of the sexual act or act of physical violence

A child-declarant's statement is not reasonably obtainable if one or more of the following apply:

- the child-declarant refuses to testify concerning the subject matter of the statement or claims a lack of memory of the subject matter of the statement after a person trusted by the child-declarant, in the presence of the court, urges the child-declarant to both describe the acts described by the statement and to testify
- the court finds all of the following:

- a. the child-declarant is absent from the trial or hearing;
 - b. the proponent of the statement has been unable to procure the child-declarant's attendance or testimony by process or other reasonable means despite a good faith effort to do so; and
 - c. it is probable that the proponent would be unable to procure the child-declarant's testimony or attendance if the trial or hearing were delayed for a reasonable time
- the court finds both of the following:
 - a. the child-declarant is unable to testify at the trial or hearing because of death or then existing physical or mental illness or infirmity; and
 - b. the illness or infirmity would not improve sufficiently to permit the child-declarant to testify if the trial or hearing were delayed for a reasonable time

Note: the proponent of the statement has not established that the child-declarant's testimony or attendance is not reasonably obtainable if the child-declarant's refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of the statement for the purpose of preventing the child-declarant from attending or testifying

Special issues:

- at least ten days before the trial or hearing, a proponent of the statement notifies all other parties in writing of the content of the statement, the time and place at which the statement was made, the identity of the witness who is to testify about the statement, and the circumstances surrounding the statement that are claimed to indicate its trustworthiness
- the court shall make the findings required by this rule on the basis of a hearing conducted outside the presence of the jury and shall make findings of fact, on the record, as to the basis for its ruling

Held constitutional under both the state and federal constitutions by the Supreme Court of Ohio in *State v. Storch*, 612 N.E.2d 305 (1993).

OKLAHOMA

Okla. Stat. Ann. tit. 12, § 2803.1 (1992)

Crimes: - sexual contact
 - physical abuse

Age: - under 12 years of age

Applicability:
 - victim

Criteria for admissibility:

- the court finds, in a hearing conducted outside the presence of the jury, that the time, content and circumstances provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies or is available to testify at the proceedings; or
 - b. is unavailable as a witness and there is corroborative evidence of the act

Special issue:

- the proponent of the statement must make known to the adverse party his/her intention to offer the statement and the particulars of the statement at least ten days in advance of the proceedings to provide the adverse party with an opportunity to prepare to answer the statement

Held constitutional by the Court of Criminal Appeals of Oklahoma in *Jones v. State*, 781 P.2d 326 (1989).

OREGON

Or. Rev. Stat. § 40.460 (1991)

Crimes: - any crime involving an act of sexual conduct performed with or on the child-declarant by another

Age: - if the child is under 12 years of age and is unavailable as a witness

Applicability:

- victim

Criteria for admissibility:

- the child-declarant either:
 - a. testifies and is subject to cross-examination; or
 - b. is unavailable as a witness; and
 - is under 12 years of age;
 - the proponent establishes that the time, content and circumstances of the statement provide indicia of reliability;
 - there is corroborative evidence of the act of sexual conduct and of the alleged perpetrator's opportunity to participate in the conduct; and
 - the statement possesses indicia of reliability as is constitutionally required to be admitted

A child-declarant is unavailable if he/she:

- meets a standard for unavailability as described in ORS § 40.465 (1);
- has a substantial lack of memory of the subject matter of the statement;
- is presently incompetent to testify;

- is unable to communicate about the sexual conduct because of fear or other similar reason; or
- is substantially likely, as established by expert testimony, to suffer severe emotional trauma from testifying

Factors which the court may consider in determining reliability:

- the child-declarant's personal knowledge of the event
- the age and maturity of the child-declarant
- certainty that the statement was made, including the credibility of the person testifying about the statement and any motive the person may have to falsify or distort the statement
- any apparent motive the child-declarant may have to falsify or distort the event, including bias, corruption or coercion
- the timing of the child-declarant's statement
- whether more than one person heard the statement
- whether the child-declarant was suffering from pain and distress when making the statement
- whether the child-declarant's young age makes it unlikely that the child fabricated a statement that represents a graphic, detailed account beyond the child's knowledge and experience
- whether the statement has internal inconsistencies or coherence and uses terminology appropriate to the child-declarant's age
- whether the statement is spontaneous or directly responsive to questions
- whether the statement was elicited by using leading questions

Special issues:

- unless otherwise agreed by the parties, the court shall examine the child on the record and either in chambers or outside the presence of the jury
- the proponent of the statement makes known to the adverse party the proponent's intention to offer the statement and the particulars of the statement no later than 15 days before trial, except for good cause shown

Interpreted by the Court of Appeals of Oregon in *State v. Booth*, 862 P.2d 518 (1993).

PENNSYLVANIA

42 Pa. Cons. Stat. § 5985.1 (1989)

Crimes: - sexual intercourse and deviate sexual intercourse
 - indecent contact

Age: - 12 years of age or younger at the time the statement was made

Applicability:

- victim

Criteria for admissibility:

- the court finds, in an in camera hearing, that the evidence is relevant and the time, content and circumstances of the statement provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies in court; or
 - b. is unavailable as a witness and there is corroborative evidence of the act

Special issue:

- the proponent of the statement must notify the adverse party of his/her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding to provide the adverse party with a fair opportunity to prepare to meet the statement

SOUTH DAKOTA

S.D. Codified Laws Ann. § 19-16-38 (1992)

- Crimes:
- sexual contact
 - rape
 - physical abuse or neglect

- Age:
- under 10 years of age; or
 - ten years of age or older who is developmentally disabled

Applicability:

- victim or witness

Criteria for admissibility:

- the court finds, in a hearing conducted outside the presence of the jury, that the time, content and circumstances of the statement provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at the trial; or
 - b. is unavailable and there is corroborative evidence of the act

Special issue:

- the proponent of the statement must make known his/her intention to offer the statement and the particulars of it, including the name and address of the declarant to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet the statement

TEXAS

Tex. Crim. Proc. Code Ann. § 38.072 (1985)

- Crimes:
- sexual crimes
 - assaultive offenses
 - incest
 - solicitation of a child
 - sexual performance by a child

Age: - 12 years of age or younger

Applicability:

- victim

Criteria for admissibility:

- the witness testifying to the statement is 18 years or older, and is the first person, other than the defendant, to whom the child-declarant made a statement about the offense
- the court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content and circumstances of the statement
- the child-declarant either:
 - a. testifies; or
 - b. is available to testify by any means allowed by the law

Special issue:

- at least 14 days before trial, the party intending to offer the statement must notify the adverse party of its intention to offer the statement; it must provide the adverse party the name of the witness through whom it intends to offer the statement; and it must provide the adverse party with a written summary of the statement

Held constitutional by the Court of Criminal Appeals of Texas in *Holland v. State*, 802 S.W.2d 696 (1991).

UTAH

Utah Code Ann. § 76-5-411 (1989)

- Crimes: - sexual offenses

Age: - under 14 years of age

Applicability:

- victim

Criteria for admissibility:

- the statement qualifies for admission under Utah R. Crim. Proc. 15.5(1); or
- the child-declarant either:
 - a. is available to testify at trial; or
 - b. is unavailable to testify and there is corroborative evidence of the abuse
- prior to admission of any statement into evidence under this section, the judge shall determine whether the interest of justice will best be served by admission of that statement; in making this determination, the judge shall consider:
 - a. the age and maturity of the child-declarant;
 - b. the nature and duration of the abuse;
 - c. the relationship of the child-declarant to the offender; and
 - d. the reliability of the assertion and of the child-declarant

Special issue:

- the statement shall be made available to the adverse party sufficiently in advance of the trial or proceeding, to provide him/her with an opportunity to prepare to meet it

Held constitutional by the Supreme Court of Utah in *State v. Ramsey*, 782 P.2d 480 (1989).

VERMONT

Vt. R. Evid. 804a (1986)

- Crimes:
- sexual assault
 - aggravated sexual assault
 - lewd or lascivious conduct with a child
 - incest

Age: - 10 years of age or under at the time of trial

Applicability:

- victim

Criteria for admissibility:

- the statements concern the alleged crime
- the statements were not taken in preparation for a legal proceeding
- if a criminal proceeding has been initiated, the statements were made prior to the defendant's initial appearance before a judicial officer
- the child-declarant is available to testify either in court or under Rule 807
- the time, content and circumstances of the statements provide substantial indicia of trustworthiness

Special issue:

- upon motion of either party, the court shall require the child-declarant to testify for the state

Held constitutional by the Supreme Court of Vermont in *State v. Gallagher*, 554 A.2d 221 (1988).

Vt. R. Crim. Proc. 26(d) (1989)

Special issue:

- when the state in a criminal action intends to offer hearsay statements of a victim who is a child ten years of age or under, made admissible by Rule 804a of the Vermont Rules of Evidence, the state shall furnish to the defendant a written statement of the evidence it intends to offer, including the name of the witness who will testify to the statement of the victim, at least 30 days before trial -- the court may allow the notice to be given at a later date, including during trial, if it determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which the evidence results has newly arisen in the case

WASHINGTON

Wash. Rev. Code Ann. § 9A.44.120 (1991)

Crimes: - any act of sexual contact

Age: - under 10 years of age when the statement was made

Applicability:

- victim

Criteria for admissibility:

- the court finds, in a hearing conducted outside the presence of the jury, that the time, content and circumstances provide sufficient indicia of reliability
- the child-declarant either:
 - a. testifies at the proceedings; or
 - b. is unavailable as a witness and there is corroborative evidence of the act

Special issue:

- the proponent of the statement must make known to the adverse party his/her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement

Held constitutional by the Supreme Court of Washington in *State v. Ryan*, 691 P.2d 197 (1984).

However, both the Sixth Amendment of the Federal Constitution and this statute

require a demonstration of unavailability when the child-declarant witness is not produced. *See also State v. Warren*, 779 P.2d 1159 (Wash. Ct. App. 1989) (child hearsay statute did not violate separation of powers provision of state constitution).

National Center for Prosecution of Child Abuse

The National Center for Prosecution of Child Abuse was founded by the American Prosecutors Research Institute in 1985 in response to dramatic increases in child abuse cases reported to law enforcement. Its mission is to improve the investigation and prosecution of child abuse through professional specialization, court reform and interagency coordination.

By demanding full accountability for the crime of child abuse along with comprehensive support services for the child, the Center reflects the commitment of prosecutors to a particularly vulnerable group of victims. The Center is serving prosecutors' needs by providing:

Expert training and technical assistance through national and regional training conferences, on-site visits and phone consultations. Experienced trial and staff attorneys review cases, offer strategic guidance and forward up-to-date litigation and background documents in response to over 3,000 callers each year. In-depth training is provided to interdisciplinary audiences at some 70 conferences per year.

Clearinghouse on child abuse case law, statutory initiatives, court reforms and trial strategies. The Center maintains the only comprehensive collection of criminal child abuse case law and statutes--a continually updated and expanded resource. Written materials are supplemented by computer access to legal, medical and social service data bases.

Authoritative publications including the highly acclaimed guide, *Investigation and Prosecution of Child Abuse*, the informative monthly newsletter, *Update*, and a monograph series examining special issues.

Research on reducing trauma in court for child sexual abuse victims, child abuse fatalities, drug-affected children and parental abduction. The Center works closely with researchers, local prosecutors and specialists in exploring new avenues to protect children from abuse.

For information, write or call the National Center for Prosecution of Child Abuse, American Prosecutors Research Institute, 99 Canal Center, Suite 510, Alexandria, VA 22314, 703/739-0321. FAX: 703/549-6259.