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Act No. 147 (H.727). Human services; child welfare

An act relating to the admissibility of a child's hearsay statements in a proceeding before the Human Services Board

This act creates an exemption to the hearsay rule with respect to statements made by a child 12 years of age or under who is alleged to have been abused or neglected and provides that such a child shall not be required to testify or give evidence at any hearing before the Human Services Board regarding a substantiation proceeding. Evidence shall be admissible if the time, content, and circumstances of the statements provide substantial indicia of trustworthiness. The exemption applies to statements made by a child who is at least 13 years of age and under 16 years of age who is alleged to have been abused or neglected in either of the following circumstances: 1) The hearing officer determines, based on a preponderance of the evidence, that requiring the child to testify will present a substantial risk of trauma to the child. 2) The hearing officer determines that the child is physically unavailable to testify or the Department has made diligent efforts to locate the child and was unsuccessful.

Effective Date: July 1, 2018