

HCS HB 1611 -- CHILDREN'S BILL OF COURTROOM RIGHTS (Dixon)

COMMITTEE OF ORIGIN: Special Committee on Family Services

This substitute establishes a children's bill of courtroom rights that applies to all children testifying at a judicial proceeding. In its main provisions, the substitute:

- (1) Assures a child the right to understand the oath administered in court and requires the court to present the oath in a developmentally appropriate manner;
- (2) Grants the child the right to understand all questions asked of him or her;
- (3) Requires the court to allow the child to testify at a time of day when the child is best able to understand the questions asked of him or her and to allow frequent breaks from testifying;
- (4) Grants the child the right to have a comfort item that is approved by the court, such as a blanket or stuffed animal, when testifying;
- (5) Grants the child the right to have a person present during his or her testimony to provide emotional support. The support person must abide by the rules established by the court;
- (6) Requires the child to be questioned in a manner that is neither intimidating nor frightening which includes disallowing any attorney from raising his or her voice while questioning the child or making an argument; and
- (7) Grants the child the right to be comfortable when testifying by adjusting the courtroom layout, conducting the proceedings outside of a courtroom, and relaxing the formalities of normal courtroom proceedings.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.