

HCS HB 863 -- CHILD WITNESS PROTECTION ACT

This bill establishes the Child Witness Protection Act regarding certain children 17 years of age or younger who are testifying in specified judicial proceedings. In its main provisions, the bill:

- (1) Requires the court to ensure that the oath be given to a child in a manner that the child may fully understand his or her duty to tell the truth, that questions are stated in a form which is appropriate for the age of the child, and that questions are explained to the child if necessary in order for him or her to understand;
- (2) Allows the court at its discretion to limit in duration or limit to normal school hours the taking of testimony of the child;
- (3) Allows the child when testifying to have a comfort item, such as a toy, blanket, or similar item, upon a motion at least 30 days in advance of the judicial proceeding and if all parties agree or under specified court findings;
- (4) Allows the child to have a support person present and in close proximity during his or her testimony to provide emotional support upon a motion at least 30 days in advance of the judicial proceeding and if all parties agree or under specified court findings. The support person must abide by the rules established by the court;
- (5) Requires the court to prevent intimidation or harassment of the child by the parties or their attorneys; and
- (6) Allows the court, upon its own motion or the motion of any party at least 30 days in advance of the judicial proceeding, to order comfortable accommodations for the child which can include adjusting the courtroom layout, conducting the proceedings outside of a courtroom, or relaxing the formalities of the proceedings.