

2004 SESSION

INTRODUCED

043509256

HOUSE BILL NO. 868

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 15 of Title 63.2 a section numbered 63.2-1522.1, relating to hearsay.

Patron—Byron

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 15 of Title 63.2 a section numbered 63.2-1522.1 as follows:

§ 63.2-1522.1. Admission of hearsay statements of sexual acts with children.

A. In any civil proceeding involving alleged abuse or neglect of a child pursuant to this chapter or pursuant to §§ 16.1-241, 16.1-251, 16.1-252, or § 16.1-253, an out-of-court statement made by a child seven years of age or younger at the time the statement is offered into evidence, to a law-enforcement officer, social worker, mental health professional, physician or nurse or other medical personnel, or foster parent, describing any act of a sexual nature performed with or on the child by another, not otherwise admissible by statute or rule, shall be admissible in evidence. Such statements shall be placed under seal in the record of the case and shall not be admissible in any other civil proceeding maintained for purposes other than adjudication of alleged neglect and abuse.

B. A statement may not be admitted under this section unless the proponent of the statement notifies the adverse party of his intention to offer the statement and the substance of the statement sufficiently in advance of the proceedings to provide the adverse party with a reasonable opportunity to prepare to meet the statement, including the opportunity to subpoena witnesses.

C. The court shall support with findings on the record, or with written findings in a court not of record, any rulings pertaining to the trustworthiness and reliability of the out-of-court statement.

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