

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 383

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H.P. 279

House of Representatives, February 6, 1995

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**An Act to Exclude Out-of-court Statements by Juveniles in Child Protection Cases.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.  
Cosponsored by Representatives: BARTH of Bethel, BUNKER of Kossuth Township, CAMPBELL of Holden, CHICK of Lebanon, CLUKEY of Houlton, DRISCOLL of Calais, LANE of Enfield, LAYTON of Cherryfield, LOOK of Jonesboro, LUMBRA of Bangor, MARSHALL of Eliot, MARTIN of Eagle Lake, McELROY of Unity, PINKHAM of Lamoine, STROUT of Corinth, UNDERWOOD of Oxford, VIGUE of Winslow, WHEELER of Bridgewater, Senators: CASSIDY of Washington, FERGUSON of Oxford, STEVENS of Androscoggin.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §4007, sub-§2,** as enacted by PL 1979, c. 733,  
§18, is amended to read:

6 **2. Interviewing children.** The court may interview a child  
7 witness in chambers, with only the guardian ad litem and counsel  
8 present, provided that the statements made are a matter of  
9 record. ~~The--court--may--admit--and--consider--oral--or--written~~  
10 ~~evidence--of--out--of--court--statements--made--by--a--child,--and--may--rely~~  
11 ~~on--that--evidence--to--the--extent--of--its--probative--value.~~

12  
14 **STATEMENT OF FACT**

16 Current law allows a court in a child protection proceeding  
17 to admit and consider out-of-court statements made by children.  
18 This bill repeals that ability.