

260C.165 CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.

An out-of-court statement not otherwise admissible by statute or rule of evidence is admissible in evidence in any child in need of protection or services, neglected and in foster care, or domestic child abuse proceeding or any proceeding for termination of parental rights if:

(1) the statement was made by a child under the age of ten years or by a child ten years of age or older who is mentally impaired, as defined in section 609.341, subdivision 6;

(2) the statement alleges, explains, denies, or describes:

(i) any act of sexual penetration or contact performed with or on the child;

(ii) any act of sexual penetration or contact with or on another child observed by the child making the statement;

(iii) any act of physical abuse or neglect of the child by another; or

(iv) any act of physical abuse or neglect of another child observed by the child making the statement;

(3) the court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(4) the proponent of the statement notifies other parties of an intent to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

For purposes of this section, an out-of-court statement includes a video, audio, or other recorded statement.

History: 1999 c 139 art 3 s 14