

funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

Passed the House April 25, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 404

[Substitute House Bill No. 272]

DEPENDENCY PROCEEDINGS—CHILDREN'S STATEMENTS REGARDING SEXUAL CONTACT

AN ACT Relating to admissibility of children's statements; and amending RCW 9A.44.120.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 129, Laws of 1982 and RCW 9A.44.120 are each amended to read as follows:

A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in dependency proceedings under Title 13 RCW and criminal proceedings in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

Passed the House March 13, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.