

OFFENSE AGAINST THE CHILD OF CHILD ABUSE, AS DEFINED UNDER ARTICLE 27, § 35A OF THE CODE.

(2) (I) AN OUT OF COURT STATEMENT MAY BE ADMISSIBLE UNDER THIS SECTION ONLY IF THE STATEMENT WAS MADE TO AND IS OFFERED BY:

1. A LICENSED PHYSICIAN, AS DEFINED UNDER § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE;

2. A LICENSED PSYCHOLOGIST, AS DEFINED UNDER § 16-101 OF THE HEALTH OCCUPATIONS ARTICLE; OR

3. A LICENSED SOCIAL WORKER, AS DEFINED UNDER § 18-101 OF THE HEALTH OCCUPATIONS ARTICLE; OR

4. A TEACHER; AND

(II) THE INDIVIDUAL DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS ACTING IN THE COURSE OF THE INDIVIDUAL'S PROFESSION WHEN THE STATEMENT WAS MADE.

(3) AN OUT OF COURT STATEMENT MAY BE ADMISSIBLE UNDER THIS SECTION ONLY IF THE STATEMENT POSSESSES PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS.

(C) (1) AN OUT OF COURT STATEMENT BY A CHILD MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT IF THE CHILD IS SUBJECT TO CROSS-EXAMINATION ABOUT THE OUT OF COURT STATEMENT AND TESTIFIES:

(I) AT THE JUDICIAL---PROCEEDINGS CRIMINAL PROCEEDING; OR

(II) BY CLOSED CIRCUIT TELEVISION.

(2) AN OUT OF COURT STATEMENT BY A CHILD MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT IF:

(I) THE CHILD IS UNAVAILABLE TO TESTIFY AT A JUDICIAL-PROCEEDING; THE CRIMINAL PROCEEDING DUE TO THE CHILD'S:

1. DEATH;

2. ABSENCE FROM THE JURISDICTION, FOR GOOD CAUSE SHOWN, AND THE STATE HAS BEEN UNABLE TO PROCURE THE CHILD'S PRESENCE BY SUBPOENA OR OTHER REASONABLE MEANS;

3. SERIOUS PHYSICAL DISABILITY; OR

4. INABILITY TO COMMUNICATE ABOUT THE ALLEGED OFFENSE DUE TO SERIOUS EMOTIONAL DISTRESS;