

~~7. A PHYSICIAN ASSISTANT, AS DEFINED UNDER § 15-101 OF THE HEALTH OCCUPATIONS ARTICLE;~~

~~8. A SCHOOL PSYCHOLOGIST CERTIFIED BY THE STATE DEPARTMENT OF EDUCATION; OR~~

~~9. A CERTIFIED PROFESSIONAL COUNSELOR, AS DEFINED UNDER § 17-101 OF THE HEALTH OCCUPATIONS ARTICLE; 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.

~~(e) (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 criminal proceeding or CINA 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 the criminal proceeding or CINA 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; OR~~

~~5. LEVEL OF COGNITIVE DEVELOPMENT, INCLUDING ABILITY TO UNDERSTAND ABSTRACT CONCEPTS, CAPACITY FOR LONG TERM MEMORY, AND ABILITY TO ARTICULATE UPON DEMAND;~~

~~(ii) The child's statement is not admissible under any other hearsay exception; and~~

~~(iii) There is corroborative evidence.~~

~~(3) (1) In order to provide [the defendant] ALL PARTIES with an opportunity to prepare a response to the statement, [the prosecutor shall give to the defendant in a criminal proceeding or to the respondent in a CINA proceeding and the defendant's or respondent's attorney,] NOTICE OF INTENT TO INTRODUCE THE~~