

(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;

(ii)]:

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

(II) REGARDLESS OF WHETHER THE CHILD IS AVAILABLE OR UNAVAILABLE TO TESTIFY TESTIFIES.

[(iii)] (2) [There] IF THE CHILD IS UNAVAILABLE TO DOES NOT TESTIFY, THE CHILD'S OUT OF COURT STATEMENT WILL BE ADMISSIBLE ONLY IF THERE is corroborative evidence THAT:

(I) THE DEFENDANT IN A CRIMINAL PROCEEDING HAD THE OPPORTUNITY TO COMMIT THE ALLEGED OFFENSE; OR

(II) THE ~~RESPONDENT~~ ALLEGED OFFENDER IN A CINA JUVENILE COURT PROCEEDING HAD THE OPPORTUNITY TO COMMIT THE ALLEGED ABUSE OR NEGLECT.

(3) In order to provide the defendant with an opportunity to prepare a response to the statement, the prosecutor shall ~~give to~~ SERVE ON the defendant in a criminal proceeding or ~~to~~ ON the ~~respondent~~ ALLEGED OFFENDER in a [CINA] JUVENILE COURT proceeding and the ~~defendant's or respondent's~~ ALLEGED OFFENDER'S attorney, a reasonable time before the [CINA] JUVENILE COURT proceeding and at least 20 days before the criminal proceeding in which the statement is to be offered into evidence, notice of:

- (i) The State's intention to introduce the statement; and
- (ii) The content of the statement.

(4) (i) ~~The defendant or respondent~~ ALLEGED OFFENDER shall have the right to take the deposition of a witness who will testify under this section;