

THIS SECTION APPLIES TO A CASE OF ABUSE OF A CHILD UNDER TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE OR ARTICLE 27, § 35C OF THE CODE.

(B) IN GENERAL.

A COURT MAY ORDER THAT THE TESTIMONY OF A CHILD VICTIM BE TAKEN OUTSIDE THE COURTROOM AND SHOWN IN THE COURTROOM BY CLOSED CIRCUIT TELEVISION IF:

(1) THE COURT DETERMINES THAT TESTIMONY BY THE CHILD VICTIM IN THE PRESENCE OF A DEFENDANT OR A CHILD RESPONDENT WILL RESULT IN THE CHILD VICTIM'S SUFFERING SERIOUS EMOTIONAL DISTRESS SUCH THAT THE CHILD VICTIM CANNOT REASONABLY COMMUNICATE; AND

(2) THE TESTIMONY IS TAKEN DURING THE PROCEEDING.

(C) DETERMINATION BY COURT.

(1) IN DETERMINING WHETHER TESTIMONY BY THE CHILD VICTIM IN THE PRESENCE OF THE DEFENDANT OR CHILD RESPONDENT WILL RESULT IN THE CHILD VICTIM'S SUFFERING SUCH SERIOUS EMOTIONAL DISTRESS THAT THE CHILD CANNOT REASONABLY COMMUNICATE, THE COURT MAY:

(I) OBSERVE AND QUESTION THE CHILD VICTIM INSIDE OR OUTSIDE THE COURTROOM; AND

(II) HEAR TESTIMONY OF A PARENT OR CUSTODIAN OF THE CHILD VICTIM OR OTHER PERSON, INCLUDING A PERSON WHO HAS DEALT WITH THE CHILD VICTIM IN A THERAPEUTIC SETTING.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH DEFENDANT OR CHILD RESPONDENT, ONE ATTORNEY FOR A DEFENDANT OR CHILD RESPONDENT, ONE PROSECUTING ATTORNEY, AND ONE ATTORNEY FOR THE CHILD VICTIM MAY BE PRESENT WHEN THE COURT HEARS TESTIMONY ON WHETHER TO ALLOW A CHILD VICTIM TO TESTIFY BY CLOSED CIRCUIT TELEVISION.

(II) IF THE COURT DECIDES TO OBSERVE OR QUESTION THE CHILD VICTIM IN CONNECTION WITH THE DETERMINATION TO ALLOW TESTIMONY BY CLOSED CIRCUIT TELEVISION:

1. THE COURT MAY NOT ALLOW THE DEFENDANT OR CHILD RESPONDENT TO BE PRESENT; BUT

2. ONE ATTORNEY FOR EACH DEFENDANT OR CHILD RESPONDENT, ONE PROSECUTING ATTORNEY, AND ONE ATTORNEY FOR THE CHILD VICTIM MAY BE PRESENT.

(D) PROCEDURES DURING TESTIMONY.

(1) ONLY THE FOLLOWING PERSONS MAY BE IN THE ROOM WITH THE CHILD VICTIM WHEN THE CHILD VICTIM TESTIFIES BY CLOSED CIRCUIT TELEVISION: