

~~(10) [Whether extrinsic evidence exists to show the defendant's opportunity to commit the act complained of in the child's statement] THE CHILD'S ABILITY TO DISTINGUISH TRUTH FROM FALSEHOOD;~~

~~(11) Whether the SUBSTANCE OF THE statement [is suggestive due to] WAS SUGGESTED AS A RESULT OF the use of leading questions; and~~

~~(12) The credibility of the person testifying about the statement.~~

~~(e) The court, in determining whether a statement is admissible under this section, [in a hearing] SHALL CONDUCT A PRETRIAL HEARING outside the presence of the jury, or before the juvenile court proceeding AND shall:~~

~~(1) Make a finding on the record as to the [specific guarantees of trustworthiness] INDICIA OF RELIABILITY that are present in the statement; and~~

~~(2) Determine the admissibility of the statement.~~

~~(f) (1) In making a determination under subsection (e) of this section, the court shall conduct an INFORMAL in camera examination of a child prior to determining the admissibility of the statement, except where the child:~~

~~(i) Has died; or~~

~~(ii) Is absent from the jurisdiction for good cause shown or the State has been unable to procure the child's presence by subpoena or other reasonable means.~~

~~(2) (i) Except as provided in subparagraph (ii)2 of this paragraph, any [defendant] PARTY, any [defendant's] PARTYS attorney, and the prosecutor shall have the right to be present when the court hears testimony on whether to admit into evidence an out of court statement of a child under this section.~~

~~(ii) If the court is required to observe or question the child in connection with the determination to admit into evidence the out of court statement:~~

~~1. [One attorney for each defendant, one attorney for the child, and one] ANY PARTYS ATTORNEY AND THE prosecutor shall have the right to be present at the in camera examination; and~~

~~2. The judge may not permit a defendant OR ALLEGED ABUSER to be present at the in camera examination.~~

~~(g) (1) This section may not be construed to limit the admissibility of a statement under any other applicable hearsay exception or rule of evidence.~~

~~(2) This section may not be construed to prohibit the court in a juvenile court proceeding from hearing testimony in the judge's chambers.~~

775.

~~(a) (1) In this section ["statement"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~