

~~(2) "HUMAN SERVICE WORKER" MEANS AN INDIVIDUAL PERFORMING A SOCIAL WORK FUNCTION UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL.~~

~~(2) "STATEMENT" means:~~

~~[(1)] (i) An oral or written assertion; or~~

~~[(2)] (ii) Nonverbal conduct, if it is intended as an assertion, including sounds, gestures, demonstrations, drawings, or similar actions.~~

~~(b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, if a court finds that the requirements of subsection (c) of this section are satisfied, a court may admit into evidence in a juvenile court proceeding or in a criminal proceeding an out of court statement, to prove the truth of the matter asserted in the statement, made by a child victim under the age of 12 years, who is the alleged victim or the child alleged to need assistance in the case before the court, concerning an alleged offense against the child of:~~

~~(i) Child abuse, as defined in § 35C of this article;~~

~~(ii) Rape or sexual offense, as defined in §§ 462 through 464B of this article;~~

~~(iii) Attempted rape or attempted sexual offense in the first or second degree, as defined in § 464F of this article; or~~

~~(iv) In a juvenile court proceeding, abuse or neglect as defined in § 5-701 of the Family Law Article.~~

~~(2) An out of court statement may be admissible under this section only if:~~

~~(i) The statement was made to and is offered by:~~

~~1. A [licensed] physician[, as defined in § 14-101 of the Health Occupations Article];~~

~~2. A [licensed] psychologist[, as defined in § 18-101 of the Health Occupations Article];~~

~~3. A NURSE;~~

~~4. A [licensed] social worker[, as defined in § 19-101 of the Health Occupations Article]; [or]~~

~~5. A HUMAN SERVICE WORKER; OR~~

~~[4.] 6. A PRINCIPAL, VICE PRINCIPAL, teacher, OR TEACHER'S AIDE AT A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, OR SECONDARY SCHOOL; and~~

~~(ii) The individual described under item (i) of this paragraph was LAWFULLY acting in the course of the individual's profession when the statement was made.~~