



1 is a witness in any judicial proceeding under chapters 452 or  
2 453, RSMo, or the alleged victim or witness in any judicial  
3 proceeding under chapters 455, 565, 566, or 568, RSMo. "Victim"  
4 or "witness" shall not include any child accused of committing a  
5 felony; however, these terms may, in the court's discretion,  
6 include:

7 (a) A child where such child's participation in a felony  
8 appears to have been induced, coerced, or unwilling; or

9 (b) A child who has participated in the felony, but who has  
10 subsequently and voluntarily agreed to testify on behalf of the  
11 state.

12 (2) "Comfort item", a favorite toy, stuffed animal,  
13 blanket, or any other object whose presence helps the child calm  
14 himself or herself;

15 (3) "Support person", an adult who is known to the child  
16 victim or witness and with whom the child feels comfortable,  
17 whose purpose will be to provide emotional support to the child  
18 and to promote the child's feelings of security and safety.

19 3. In order to facilitate testimony that is fair and  
20 accurate, and in order to protect children from confusing  
21 practices while testifying in court, the following children's  
22 bill of courtroom rights shall apply to all children testifying  
23 in court:

24 (1) A child victim or witness testifying at a judicial

1 proceeding has the right to understand the oath which is being  
2 administered to such child. Whether at a competency hearing or  
3 trial itself, the judge shall ensure that any oath that is  
4 required of a child shall be administered in a developmentally  
5 appropriate manner;

6 (2) A child victim or witness testifying at a judicial  
7 proceeding has the right to understand all the questions asked of  
8 such child. Accordingly, the court shall take special care to  
9 ensure that questions are stated in a form which is appropriate  
10 to the age of the child. The court shall explain to the child  
11 that if he or she does not understand a question, the child has  
12 the right to say that he or she does not understand the question;

13 (3) A child victim or witness has a right to testify at a  
14 time of day when such child is best able to understand the  
15 questions and otherwise handle the stresses of testifying.  
16 Accordingly, in the court's discretion, the taking of testimony  
17 may be limited in duration or limited to normal school hours.  
18 The court may order a recess when the energy, comfort, or  
19 attention span of the child warrants;

20 (4) A child victim or witness testifying at or attending a  
21 judicial proceeding has a right to a comfort item. The court, at  
22 its discretion, may place any reasonable limitations on the size  
23 or type of comfort item;

24 (5) A child victim or witness testifying at or attending a

1 judicial proceeding has a right to the presence of a support  
2 person designated by the child victim or witness and approved by  
3 the court. The court, at its discretion, may allow the support  
4 person to remain in close physical proximity to or in contact  
5 with the child while the child testifies, provided such person  
6 shall not obscure the child from the view of the defendant or the  
7 trier of fact. A support person shall not provide the child with  
8 an answer to any question directed to the child during the course  
9 of the child's testimony or otherwise prompt the child. If the  
10 support person attempts to influence or affect in any manner the  
11 testimony of the child victim or witness during the giving of  
12 testimony or at any other time, the court shall exclude that  
13 support person and allow the child victim or witness to designate  
14 another attendant;

15 (6) A child victim or witness testifying at a judicial  
16 proceeding has a right to be questioned in a manner that is  
17 neither intimidating nor frightening. Accordingly, the attorneys  
18 shall ask questions or pose objections in a manner which is not  
19 intimidating to the child and shall not engage in conduct that a  
20 child may interpret as an angry confrontation. The court shall  
21 take every reasonable means necessary to prevent intimidation or  
22 harassment of the child by the parties or their attorneys. The  
23 judge may rephrase any question so that the child is not  
24 intimidated; and

1 (7) A child victim or witness testifying at a judicial  
2 proceeding has a right to be comfortable when testifying.  
3 Accordingly, upon its own motion or the motion of a party, the  
4 court may order such accommodations as are appropriate under the  
5 circumstances to ensure the comfort of the child victim or  
6 witness, including the following measures:

7 (a) Adjusting the layout of the courtroom;

8 (b) Conducting the proceedings outside the normal  
9 courtroom; or

10 (c) Relaxing the formalities of the proceedings."; and

11 Further amend said title, enacting clause and intersectional  
12 references accordingly.