

## **STATE OF WEST VIRGINIA**

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on November 14, 2017, the following order was made and entered:

### **RE: AMENDMENT TO RULE 18 OF THE WEST VIRGINIA TRIAL COURT RULES, TO CORRECT A TYPOGRAPHICAL ERROR - Docket No. 16-RULES-17**

On a former day, by order entered on September 20, 2017, upon motion from John M. Hedges, Hedges & Lyons, PLLC, on behalf of the Court Improvement Program Youth Services Committee, the Court adopted a proposed addition to the West Virginia Trial Court Rules, to add Trial Court Rule 18, in response to W.Va. Code § 62-6B-6(c). The amendment incorrectly referenced a certain West Virginia Code section. Therefore, the reference is corrected, herein as indicated by underscoring as follows:

### **TCR RULE 18 - RECORDED INTERVIEWS OF CHILDREN**

\* \* \*

#### **Rule 18.02: DEFINITIONS**

For the purposes of this Rule, the following definitions shall apply:

- (a) "Interviewed child" shall mean any person under the age of eighteen who has been interviewed by means of any type of recording equipment in connection with alleged criminal behavior or allegations of abuse or neglect of any child under the age of eighteen.
- (b) "Recorded interview" means any electronic recording of the interview, any transcript thereof, and any written documentation in any form related to the recorded interview, of an interviewed child conducted by: (1) An employee or representative of a child advocacy center as that term is defined in W. Va. Code § 49-3-101; (2) any psychologist, psychiatrist, physician, nurse, social worker or other person appointed by the court to interview the interviewed child as provided in W. Va. Code § 62-6B-3(ed); or (3) a child protective services worker, law-enforcement officer, prosecuting attorney or any representative of his or her office, or any other person investigating allegations of criminal behavior or behavior alleged to constitute abuse or neglect of a child. Criminal complaints, police reports, and other routine law enforcement documentation do not constitute a recorded interview.

\* \* \*

A True Copy

Attest: //s// Edythe Nash Gaiser  
Clerk of Court

