§ 343.1. Rules of evidence; testimony given by children. 1. Any person may be a witness in a delinquency proceeding unless the court finds that, by reason of infancy or mental disease or defect, he does not possess sufficient intelligence or capacity to justify reception of his evidence.

2. Every witness more than nine years old may testify only under oath unless the court is satisfied that such witness cannot, as a result of mental disease or defect, understand the nature of an oath. A witness less than nine years old may not testify under oath unless the court is satisfied that he or she understands the nature of an oath. If under either of the above provisions, a witness is deemed to be ineligible to testify under oath, the witness may nevertheless be permitted to give unsworn evidence if the court is satisfied that the witness possesses sufficient intelligence and capacity to justify the reception thereof.

3. A respondent may not be found to be delinquent solely upon the unsworn evidence given pursuant to subdivision two.

* 4. A child witness may give testimony in accordance with the provisions of article sixty-five of the criminal procedure law, provided such child is declared vulnerable in accordance with subdivision one of section 65.10 of such law. A child witness means a person fourteen years old or less who is or will be called to testify in any proceeding concerning an act defined in article one hundred thirty of the penal law or section 255.25, 255.26 or 255.27 of such law, which act would constitute a crime if committed by an adult. The provisions of this subdivision shall expire and be deemed repealed on the same date as article sixty-five of the criminal procedure law expires and is deemed repealed pursuant to section five of chapter five hundred five of the laws of nineteen hundred eighty-five, as from time to time, amended.

* NB Repealed September 1, 2027