

Rule 26. Evidence

In all factfinding hearings the testimony of witnesses shall be taken orally under oath or affirmation unless otherwise provided by an act of Congress or by these Rules. The admissibility of evidence and the competency and privileges of witnesses shall be governed, except when an act of Congress or these Rules otherwise provide, by the principles of the common law as they may be interpreted by the courts in the light of reason and experience.

COMMENT

This Rule is substantially similar to *FRCrP 26* except for the following. "Under oath or affirmation" has been substituted for "in open court" in the 1st sentence, since a judge may wish to conduct the proceedings in chambers, and since juvenile proceedings, even in the courtroom, are confidential in nature. (See SCR-Juvenile 53.) "Of the United States" has been deleted after "courts" in the last sentence.