

## **EXCITED UTTERANCES IN THE REAL WORLD:**

### **WHAT MY CHILDREN HAVE TAUGHT ME ABOUT RELIABILITY**

By Peter B. Knapp\*

The rationale underlying Rule 803(2), the excited utterance rule, is that sometimes events in the real world strike us with such force that, in the stress that flows from the event, we cannot help but speak the truth. Our day-to-day lives teach us, however, that this is not always the case.

This was brought home most forcefully to me several years ago. My wife and I had decided to remodel the den in our home and I, exercising typically questionable parental judgment, decided to refrain from sharing that fact with two of our sons, Nathan, then age 3, and Chris, age 4. On the day work was to begin, I took them off to daycare. During the day, we ripped out the carpet in the room, tore out the bookcases, stripped off the wallpaper, knocked out the walls of a closet, and generally reduced the room to a bare shell. At the end of the day, I picked up Nathan and Chris at daycare, took them home, and led them by the hand into the now-demolished room. They stood there, beholding the wreckage, eyes wide and mouths agape, clearly in the stress of excitement caused by the event. And in that moment, Nathan turned to me and said, "Chris did it."

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