

~~STATEMENT SHALL BE SERVED ON ALL PARTIES a reasonable time before the [CINA] JUVENILE COURT proceeding and at least 20 days before the criminal proceeding in which the statement is to be offered into evidence [, notice of:~~

- ~~(i) The State's intention to introduce the statement; and~~
- ~~(ii) The content of the statement].~~

~~(H) THE NOTICE REQUIRED TO BE SERVED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE CONTENT OF THE STATEMENT.~~

~~(4) (i) [The defendant or respondent] A PARTY shall have the right to take the deposition of a witness who will testify under this section;~~

~~(ii) Unless [the State and the defendant or respondent] ALL PARTIES agree, or the court orders otherwise, [the defendant] A PARTY in a criminal proceeding shall file a notice of deposition at least 5 days before, or in a [CINA] JUVENILE COURT proceeding within a reasonable time before, the date of the deposition; and~~

~~(iii) Except where inconsistent with this paragraph, the provisions of Maryland Rule 4-261 shall apply to a deposition taken under this paragraph.~~

(c) (1) [An] UNDER THIS SECTION. AN out of court statement by a child may come into evidence to prove the truth of the matter asserted in the statement [if the child is subject to cross-examination about the out of court statement and testifies:

- (i) At the criminal proceeding or CINA proceeding; or
- (ii) By closed circuit television.

(2) An out of court statement by a child may come into evidence to prove the truth of the matter asserted in the statement if:

(i) The child is unavailable to testify at the criminal proceeding or CINA proceeding due to the child's:

- 1. Death;
- 2. Absence from the jurisdiction, for good cause shown, and the State has been unable to procure the child's presence by subpoena or other reasonable means;
- 3. Serious physical disability; or
- 4. Inability to communicate about the alleged offense due to serious emotional distress;

(ii) ]:

(i) [The] IF THE child's statement is not admissible under any other hearsay exception; and

(II) REGARDLESS OF WHETHER THE CHILD TESTIFIES.