(ii)   Unless the State and the defendant or respondent agree, or the court orders otherwise, the defendant 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.

(d)   In order to determine if a child's statement possesses particularized guarantees of trustworthiness under this section, the court shall consider, but is not limited to, the following factors:

(1)   The child's personal knowledge of the event;

(2)   The certainty that the statement was made;

(3)   Any apparent motive to fabricate or exhibit partiality by the child, including interest, bias, corruption, or coercion;

(4)   Whether the statement was spontaneous or directly responsive to questions;

(5)   The timing of the statement;

(6)   Whether the child's young age makes it unlikely that the child fabricated the statement that represents a graphic, detailed account beyond the child's knowledge and experience and the appropriateness of the terminology to the child's age;

(7)   The nature and duration of the abuse;

(8)   The inner consistency and coherence of the statement;

(9)   Whether the child was suffering pain or distress when making the statement;

(10)   Whether extrinsic evidence exists to show the defendant's opportunity to commit the act complained of in the child's statement;

(11)   Whether the statement is suggestive due to the use of leading questions; and

(12)   The credibility of the person testifying about the statement.

(e)   The court, in determining whether a statement is admissible under this section, in a hearing outside the presence of the jury, or before the [CINA] JUVENILE COURT proceeding shall:

(1)   Make a finding on the record as to the specific guarantees of trustworthiness that are present in the statement; and

(2)   Determine the admissibility of the statement.