

- (I) THE STATE'S INTENTION TO INTRODUCE THE STATEMENT; AND
- (II) THE CONTENT OF THE STATEMENT.

(4) (I) THE DEFENDANT OR CHILD RESPONDENT MAY DEPOSE A WITNESS WHO WILL TESTIFY UNDER THIS SECTION.

(II) UNLESS THE STATE AND THE DEFENDANT OR CHILD RESPONDENT AGREE OR THE COURT ORDERS OTHERWISE, THE DEFENDANT OR CHILD RESPONDENT SHALL FILE A NOTICE OF DEPOSITION:

1. IN A CRIMINAL PROCEEDING, AT LEAST 5 DAYS BEFORE THE DATE OF THE DEPOSITION; OR

2. IN A JUVENILE COURT PROCEEDING, WITHIN A REASONABLE TIME BEFORE THE DATE OF THE DEPOSITION.

(III) EXCEPT WHERE INCONSISTENT WITH THIS PARAGRAPH, MARYLAND RULE 4-261 APPLIES TO A DEPOSITION TAKEN UNDER THIS PARAGRAPH.

(E) PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS.

(1) A CHILD VICTIM'S OUT OF COURT STATEMENT IS ADMISSIBLE UNDER THIS SECTION ONLY IF THE STATEMENT HAS PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS.

(2) TO DETERMINE WHETHER THE STATEMENT HAS PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS UNDER THIS SECTION, THE COURT SHALL CONSIDER, BUT IS NOT LIMITED TO, THE FOLLOWING FACTORS:

(I) THE CHILD VICTIM'S PERSONAL KNOWLEDGE OF THE EVENT;

(II) THE CERTAINTY THAT THE STATEMENT WAS MADE;

(III) ANY APPARENT MOTIVE TO FABRICATE OR EXHIBIT PARTIALITY BY THE CHILD VICTIM, INCLUDING INTEREST, BIAS, CORRUPTION, OR COERCION;

(IV) WHETHER THE STATEMENT WAS SPONTANEOUS OR DIRECTLY RESPONSIVE TO QUESTIONS;

(V) THE TIMING OF THE STATEMENT;

(VI) WHETHER THE CHILD VICTIM'S YOUNG AGE MAKES IT UNLIKELY THAT THE CHILD VICTIM FABRICATED THE STATEMENT THAT REPRESENTS A GRAPHIC, DETAILED ACCOUNT BEYOND THE CHILD VICTIM'S EXPECTED KNOWLEDGE AND EXPERIENCE;

(VII) THE APPROPRIATENESS OF THE TERMINOLOGY OF THE STATEMENT TO THE CHILD VICTIM'S AGE;

(VIII) THE NATURE AND DURATION OF THE ABUSE OR NEGLECT;