(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)   The child's statement is not admissible under any other hearsay exception; and

(iii)   There is corroborative evidence.

(3)   In order to provide the defendant with an opportunity to prepare a response to the statement, the prosecutor shall give to the defendant in a criminal proceeding or to the respondent in a CINA proceeding and the defendant's or respondent's attorney, a reasonable time before the CINA 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.

(4)   (i)   The defendant or respondent 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 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 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;