

(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;
- (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;