

~~(ii) The alleged offender in a juvenile court proceeding had the opportunity to commit the alleged abuse or neglect.~~

~~(3) In order to provide [the defendant] ALL PARTIES with an opportunity to prepare a response to the statement, [the prosecutor] THE PARTY SEEKING TO INTRODUCE THE STATEMENT shall serve on the [defendant in a criminal proceeding or on the alleged offender in a juvenile court proceeding and the alleged offender's attorney] OPPOSING PARTY, a reasonable time before the 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] PARTYS intention to introduce the statement; and~~

~~(ii) The content of the statement.~~

~~[(4) (i) The alleged offender 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 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] SUFFICIENT INDICIA OF RELIABILITY 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;~~