

APPELLATE COURT OF ILLINOIS, FIRST JUDICIAL DISTRICT, SECOND
DIVISION

In re S.M.

2026 IL App (1st) 250340 · No. 1-25-0340 · Decided February 26, 2026

SUMMARY

The Illinois Appellate Court considered whether a juvenile court could sustain findings of sexual abuse based solely on hearsay statements by a child who did not testify. Applying In re A.P. and 705 ILCS 405/2-18(4)(c), the court held that the evidence did not independently corroborate the child’s allegations because the purported corroboration came from the same source. The court reversed the sexual-abuse finding, vacated the adjudication and dispositional orders, and remanded for further proceedings.

CASE DETAILS

COURT	Appellate Court of Illinois, First Judicial District, Second Division
WRITING FOR THE COURT	Justice Ellis; Presiding Justice Van Tine; Justice McBride
JURISDICTION	Illinois Appellate Court, First District, Second Division
DECIDED	February 26, 2026
DOCKET	1-25-0340
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mother appealed from an adjudication-of-wardship order finding that she sexually abused, abused, and neglected S.M., and from the subsequent dispositional order placing S.M. in the guardianship of DCFS.
STANDARD OF REVIEW	The appellate court reviews abuse and neglect findings under the manifest-weight-of-the-evidence standard and will not disturb them unless the opposite result is clearly evident.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Lisa M. Taylor v. The People of the State of Illinois, S.M.

TOPICS

- hearsay
- evidence
- appellate procedure
- family law procedure
- guardianships

PRACTICE AREAS

juvenile law

evidence

child welfare

appellate procedure

family law

QUESTIONS PRESENTED

1. Whether the child's out-of-court hearsay statements were sufficient to support a finding of sexual abuse under section 2-18(4)(c) of the Juvenile Court Act when the child did not testify and the State presented no independent corroborating evidence.
2. Whether the remaining findings of neglect based on an injurious environment and abuse based on a substantial risk of physical injury could stand when the circuit court did not specify the factual basis for those findings.
3. Whether the dispositional judgment should remain in effect after the adjudication findings were reversed or vacated.

HOLDINGS

1. Repeated or consistent out-of-court statements by a child, even when relayed by multiple witnesses or recorded in forensic interviews, are not independent corroboration of the child's hearsay allegations.
2. The State failed to provide independent corroboration of the alleged sexual abuse because the asserted corroborative evidence consisted only of the child's statements, his demeanor, the assertedly age-inappropriate language, and unsubstantiated inferences concerning his conduct.
3. A child's use of allegedly age-inappropriate terminology may bear on the reliability or credibility of the child's statement, but it does not, without more and absent appropriate expert testimony, constitute independent corroboration under section 2-18(4)(c).
4. The remaining findings that Mother neglected S.M. by exposing him to an injurious environment and abused him by placing him at substantial risk of physical injury must be vacated and reconsidered because the circuit court failed to state the factual basis for those findings.

KEY QUOTATIONS

"If neither requirement is met, the evidence, based solely on the child's hearsay, is insufficient as a matter of law." (¶ 110)

"If all the evidence relates back to the same source, and that source is the child himself, the evidence is not corroborative." (¶ 112)

"If we allow that very statement to corroborate itself, we read the second sentence out of the law. We take the 'independent' out of 'independent evidence.'" (¶ 152)

"We are saying that the law forbids us from upholding a finding of sexual abuse on the hearsay statement of a child alone." (¶ 177)

"The judgment of the circuit court is reversed insofar as the court found that Mother sexually abused S.M. The court's remaining judgment at the adjudication hearing is vacated. The judgment of the circuit court at the disposition hearing is vacated. The cause is remanded for further proceedings." (¶ 188)

FACTUAL BACKGROUND

Seven-year-old S.M. made out-of-court statements accusing his mother of sexually abusing him and also described sexual abuse by another child, Damian. S.M. repeated the accusation to his grandmother and a DCFS investigator and described it during a second forensic interview, but he denied abuse during his first forensic interview and never testified at the adjudication hearing. The State presented no medical evidence, eyewitness testimony, or expert testimony independently corroborating the alleged sexual abuse, while the record also showed that S.M. had described sexual conduct involving Damian and had watched pornography during the same general period. The circuit court found the allegations proved, made S.M. a ward of the court, and placed him in DCFS guardianship.

PROCEDURAL HISTORY

The State petitioned for adjudication of wardship in the Circuit Court of Cook County. After a four-day adjudication hearing at which S.M. did not testify, the circuit court found the allegations proved by a preponderance of the evidence and entered a dispositional order placing S.M. in DCFS guardianship. The appellate court reversed the sexual-abuse finding, vacated the remaining adjudication findings and the dispositional judgment, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must reconsider the remaining abuse and neglect allegations, explain the factual basis for any findings and identify the acts or omissions supporting them, and may explain, reconsider, or reopen the proofs as appropriate. The dispositional judgment must remain vacated pending further proceedings.

CASES CITED

- In re A.P., 179 Ill. 2d 184, 196-200 (1997)
- In re Z.L., 2021 IL 126931, ¶¶ 59-61
- In re Arthur H., 212 Ill. 2d 441, 463 (2004)
- In re N.B., 191 Ill. 2d 338, 346 (2000)
- People v. Shum, 117 Ill. 2d 317, 342 (1987)
- People v. Jura, 352 Ill. App. 3d 1080, 1085 (2004)
- People v. Bowen, 183 Ill. 2d 103, 115 (1998)
- In re An. W., 2014 IL App (3d) 130526, ¶¶ 63-65
- In re Alexis H., 401 Ill. App. 3d 543, 561-562 (2010)
- In re M.T., 2025 IL App (1st) 232134, ¶¶ 18-20, 33, 39
- In re C.C., 224 Ill. App. 3d 207, 214-215 (1991)
- In re K.O., 336 Ill. App. 3d 98, 102, 108-109 (2002)

- In re J.L., 2016 IL App (1st) 152479, ¶¶ 90, 92
- In re Custody of Brunken, 139 Ill. App. 3d 232, 239 (1985)
- People v. Boling, 2014 IL App (4th) 120634, ¶ 91
- In re T.P., 2021 IL App (1st) 210318-U, ¶¶ 88-90
- In re Marriage of Flannery, 328 Ill. App. 3d 602, 614 (2002)
- In re Marriage of Gilbert, 355 Ill. App. 3d 104, 114 (2004)
- In re K.L.M., 146 Ill. App. 3d 489, 493 (1986)
- In re K.G., 288 Ill. App. 3d 728, 735 (1997)
- In re Madison H., 215 Ill. 2d 364, 374 (2005)
- People v. Martin, 2024 IL App (4th) 230124-U, ¶ 20
- United States v. Griffin, 783 F. App'x 881, 886 (11th Cir. 2019)
- In re Walter B., 227 Ill. App. 3d 746, 754-755 (1992)
- People v. Rodriguez, 2022 IL App (1st) 200315, ¶ 101
- People v. Burgund, 2016 IL App (5th) 130119, ¶¶ 242, 247
- State v. Redman, 916 S.W.2d 787, 791 (Mo. 1996)

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