



tion of wardship, alleging D.M. and M.M. were neglected minors due to an injurious environment when they lived with Deborah because she failed to protect them from sexual abuse in the home. It also alleged D.M. and M.M. were abused because respondent committed sex offenses against M.M., including oral sex and anal penetration.

¶ 4 On February 15, 2012, the trial court conducted an adjudicatory hearing. The State's evidence showed D.M. and M.M. received services from the Baby Fold pursuant to a differential response program used to respond to low- to-medium risk neglect reports. Audrey Reischauer was the Baby Fold worker assigned to the family. Reischauer testified that, on November 16, 2011, M.M. made statements to her indicating respondent had engaged in sexual activity with M.M. Police interviewed respondent who initially denied such activity occurred but later asserted it was possible that the sexual activities M.M. described could have occurred while respondent was asleep. The State also submitted a digital video disc (DVD) of an interview with M.M. wherein he described sexual activities between himself and respondent. Additionally, a DCFS investigator testified respondent had a history as a child sex offender as a result of an incident in the early 1990's.

¶ 5 Following the adjudicatory hearing, the trial court entered its order, finding the State's abuse allegations had been proved and sexual abuse had occurred. It determined "respondent father committed sex offenses against [M.M.], including anal penetration and/or acts of oral sex" and D.M. "resided in the same household where the offenses occurred." The court found the State's neglect allegations against Deborah had not been proved. It then adjudicated the minors abused and set the matter for a dispositional hearing.

¶ 6 On March 16, 2012, the trial court entered its dispositional order. It found

Deborah unable and respondent unfit to care for, protect, train, educate, supervise, or discipline the minor children and placement with either parent would be contrary to the children's best interests. The court ordered that D.M. and M.M. be made wards of the court and placed custody and guardianship of the children with the Illinois Department of Children and Family Services (DCFS).

¶ 7 This appeal followed.

¶ 8 On appeal, respondent challenges the trial court's abuse adjudication. Specifically, he argues M.M.'s statements regarding sexual activity between himself and respondent were not sufficiently corroborated pursuant to section 2-18(4)(c) of the Act and, as a result, the court erred in finding the children were abused.

¶ 9 At the adjudicatory hearing, the trial court must determine whether a minor is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2010). "The State bears the burden of proving neglect, dependence or abuse by a preponderance of the evidence, meaning proof that makes the condition more probable than not." *In re N.B.*, 191 Ill. 2d 338, 343, 730 N.E.2d 1086, 1088 (2000). "The circuit court's finding on whether abuse or neglect occurred will not be disturbed on appeal unless contrary to the manifest weight of the evidence." *In re A.P.*, 179 Ill. 2d 184, 204-05, 688 N.E.2d 642, 652 (1997).

¶ 10 Pursuant to section 2-18(4)(c) of the Act (705 ILCS 405/2-18(4)(c) (West 2010)), "[p]revious statements made by the minor relating to any allegations of abuse or neglect shall be admissible in evidence" at the adjudicatory hearing. "However, no such statement, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect." 705 ILCS 405/2-18(4)(c) (West 2010). Regarding corroboration of a minor's

hearsay statements, the supreme court has stated as follows:

"[W]hether there is sufficient corroboration under section 2-18(4)(c) is a determination that must be made on a case-by-case basis. However, in all cases, sufficient corroboration of the abuse or neglect requires more than just witnesses testifying that a minor related claims of abuse or neglect to them. Because the term 'corroboration' is not defined in section 2-18(4)(c), we rely on its plain and ordinary meaning. 'To corroborate' means to add weight or credibility to a thing by additional and confirming facts or evidence, and 'corroborating evidence' means evidence supplementary to that already given and tending to strengthen or confirm it. [Citation.] Accordingly, in the context of section 2-18(4)(c), corroborating evidence of the abuse or neglect requires there to be independent evidence which would support a logical and reasonable inference that the act of abuse or neglect described in the hearsay statement occurred. In essence, corroborating evidence is evidence that makes it more probable that a minor was abused or neglected. The form of corroboration will vary depending on the facts of each case and can include physical or circumstantial evidence." *A.P.*, 179 Ill. 2d at 198-99, 688 N.E.2d at 650.

¶ 11 Here, the trial court found corroboration for M.M.'s statements based upon D.M.'s immediate response to M.M.'s disclosures to Reischauer and respondent's admissions during his

interview with police. At the adjudicatory hearing, Reischauer testified, on November 16, 2011, she had an appointment to take D.M. and M.M. to the library. While driving, Reischauer and the children were discussing gaming systems. She testified that, during that conversation, M.M. spontaneously stated respondent liked to play "nudie games," "nudie videotapes," and "pee pee games." M.M. also reported that respondent "let [him] suck it once." According to Reischauer, D.M. "gasped loudly" became visibly upset and stated M.M. "should not be talking about that." Upon inquiry from the State, Reischauer further testified as follows:

"A. I asked [M.M.], daddy had you suck what?

Q. And?

A. [M.M.] and [D.M.] both pointed to their crotches at that point.

Q. So they didn't respond verbally; is that correct?

A. No, they did not.

Q. [D.M.] was sitting next to you in the passenger's seat?

A. To my right.

Q. And he pointed to his crotch?

A. Yes."

Reischauer testified D.M. stated he did not think M.M. should "talk about this" because someone might tell the police and respondent would get in trouble. D.M. also told Reischauer that what M.M. reported did not happen and M.M. was lying. M.M. vehemently asserted it did happen and that he was not lying.

¶ 12 The trial court relied upon D.M.'s immediate response to M.M.'s statements to

find corroboration. As noted by the court, D.M. did not immediately deny M.M.'s statement and, instead, became visibly upset, stated M.M. "should not be talking about that," and pointed to his genital area when Reischauer attempted to clarify the area of the body about which M.M. was referring. D.M.'s initial response indicated knowledge about M.M.'s disclosures of sexual abuse. We agree with the court's finding that it constituted independent evidence supporting a logical and reasonable inference that sexual abuse as described by M.M. had occurred.

¶ 13 Further evidence at the adjudicatory hearing showed, during questioning by police, respondent acknowledged the "possibility" of sexual contact with M.M. Although respondent initially denied any such contact, he later recalled an instance when M.M. touched respondent's penis while they were urinating at the same time and an occasion when he awoke with M.M.'s hand down his pants and rubbing his penis. Respondent also asserted it was possible that the activities M.M. disclosed, including anal penetration, could have happened while respondent was asleep. Police officer Brian Larimore testified as follows:

"[Respondent] said that he thought that [M.M.] could be telling the truth and that it was a real, a very real possibility that [respondent] did do that to [M.M.]. He then stated that he never consciously did anything to [M.M.]"

¶ 14 Again, respondent's statements to police constitute independent evidence which supports a logical and reasonable inference that the sexual abuse as described by M.M. had occurred. Respondent's admissions make it more probable that abuse occurred and further corroborate M.M.'s statements.

¶ 15 In finding corroboration, the trial court also relied upon evidence it deemed

"minimally corroborative" of M.M.'s statements, including respondent's prior history of sexual abuse of a minor and a statement to police by Deborah that she was 100% certain of the truth of M.M.'s statements. Additionally, it noted seven-year-old M.M.'s "very graphic" statement as depicted in the DVD, including his demonstration of manual stimulation and his description of "sticky stuff" and "white stuff coming out." We agree inferences may also be drawn from this evidence that the abuse as described by M.M. actually occurred. In particular, M.M. would have been unlikely to provide such graphic descriptions of the sexual activity he reported unless he had been exposed to those activities. See *In re K.O.*, 336 Ill. App. 3d 98, 108, 782 N.E.2d 835, 844 (2002) (finding an eight-year-old child's description of semen was a "highly probative fact" in finding corroboration of minor's prior hearsay statements regarding sexual abuse and noting such descriptions would be unlikely unless the events the minor described had actually taken place).

¶ 16 Here, the evidence relied upon by the trial court, particularly when taken together, was sufficient to corroborate M.M.'s prior statements of sexual abuse. The court's abuse finding was not against the manifest weight of the evidence.

¶ 17 For the reasons stated, we affirm the trial court's judgment.

¶ 18 Affirmed.