

NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 260647-U
NO. 4-26-0647
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
October 28, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> N.C., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Sangamon County
Petitioner-Appellee,	)	No. 24JA155
v.	)	
Cherish L.,	)	Honorable
Respondent-Appellant).	)	Karen S. Tharp,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Zenoff and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion in denying respondent’s motion to continue the fitness hearing. The court’s fitness and best-interest determinations were not against the manifest weight of the evidence.

¶ 2 Respondent, Cherish L., appeals the trial court’s judgment terminating her parental rights to her minor child, N.C. (born October 2024). On appeal, respondent argues the court erred in (1) denying her motion to continue the fitness hearing, (2) finding she was an unfit parent, and (3) finding termination of her parental rights was in N.C.’s best interest. We affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Adjudicatory Proceedings

¶ 5 On October 1, 2024, the State filed a petition for adjudication of wardship with respect to N.C., alleging she was a neglected minor under sections 2-3(1)(b) and 2-3(1)(c) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b)-(c) (West 2024)).

Specifically, the State alleged, in part, that N.C. was neglected because (1) “as a newborn infant, the minor’s blood, urine, or meconium contained an amount of a controlled substance, [that] being amphetamines” and (2) “the minor’s environment is injurious to her welfare as evidenced by [respondent’s] drug use.”

¶ 6 Following an adjudicatory hearing on December 12, 2024, the trial court entered an order adjudicating N.C. a neglected minor under the Juvenile Court Act based on the presence of amphetamines in her blood, urine, or meconium at the time of her birth.

¶ 7 On January 8, 2025, the trial court held a dispositional hearing. After the hearing, the court entered an order making N.C. a ward of the court and granting custody and guardianship of the minor to the Illinois Department of Children and Family Services (DCFS).

¶ 8 The record shows that respondent appeared at a permanency review hearing on September 17, 2025. After the hearing, she received notice that the next hearing was scheduled for December 10, 2025.

¶ 9 B. Termination Proceedings

¶ 10 1. *The Termination Petition*

¶ 11 On December 10, 2025, the State filed a petition to terminate respondent’s parental rights to N.C. The State alleged respondent was an unfit parent within the meaning of section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)) on the grounds she failed to: (1) maintain a reasonable degree of interest, concern, or responsibility for the minor’s welfare (*id.* § 1(D)(b)), (2) make reasonable efforts to correct the conditions that led to the minor’s removal from her care during the nine-month period of December 12, 2024, to September 12, 2025 (*id.* § 1(D)(m)(i)), and (3) make reasonable progress toward N.C.’s return during the initial nine-month period following the adjudication of neglect—December 12, 2024, to September 12,

2025 (*id.* § 1(D)(m)(ii)).

¶ 12 *2. Respondent's Failures to Appear*

¶ 13 Respondent did not appear at the December 10, 2025, permanency review hearing for which she had received notice. Respondent also failed to appear at permanency hearings held on February 18, 2026, and March 4, 2026.

¶ 14 *3. Fitness Hearing*

¶ 15 On May 14, 2026, the trial court conducted a hearing on the fitness portion of the State's termination petition. The State called Nicole Sanders to testify at the hearing, and respondent testified on her own behalf. We discuss only the evidence pertinent to the nine-month period alleged in the State's petition.

¶ 16 *a. Motion to Continue the Fitness Hearing*

¶ 17 At the outset of the fitness hearing, respondent's counsel moved for a continuance, stating the following in support of the motion:

“Judge, I would move to continue this matter to a short setting. *** I've attempted to reach out to [respondent] to make sure, one, that she was aware of this proceeding, and two, to prepare for trial. Last known address I had for her *** was on Seventh Street, and the number that was included with that I was not able to leave her a voicemail. I have reached out to her several times.

In speaking with her this morning, she has been in a sober living facility and has attempted to reach her current caseworker a number of times and has been unsuccessful in doing so. Apparently she has made contact with her the last couple of days and was made aware of this court date.

I stand corrected. She received notification of this from her probation

officer through drug court. She was not able to reach her caseworker to get ready for this hearing, *** and she's also indicated to me a desire to engage private counsel. So for those reasons, I would move to continue the matter."

In response to questioning from the trial court, respondent's counsel confirmed that his contact information had not changed since he began representing respondent, yet she had not contacted him in the months leading up to the hearing.

¶ 18 The trial court denied counsel's motion to continue the fitness hearing. The court explained its reasoning to respondent's counsel:

"Your motion to continue is denied. We have been set for quite some time on this matter. [Respondent] has failed to appear numerous times on this matter. Your address and phone number have not changed, to my knowledge. You've never said that she's reached out to you. You don't have any knowledge now that she's reached out to you. We have been set for quite some time on this matter, so motion to continue is denied."

¶ 19 b. Sanders

¶ 20 Sanders, a "permanency specialist" with DCFS, testified that she was the first caseworker assigned to N.C.'s case. Sanders went on medical leave in January 2025 and was reassigned to the case upon the conclusion of her medical leave in June 2025.

¶ 21 Sanders testified that N.C. initially came into care because, at the time of her birth, "there was a [drug] screening and *** both [N.C. and respondent] tested positive for *** methadone, amphetamines, benzodiazepines, and marijuana." Sanders's supervisor created a service plan for respondent. Sanders did not provide respondent with a copy of the service plan until December 2024 because respondent "was either incarcerated or being released" when

Sanders had attempted to give her a copy the prior month. Sanders testified that the service plan required respondent to engage in and complete certain tasks, stating: “[I]t would have been Parent Place for parenting [classes]. I know she had individual therapy[and] domestic violence counseling. There would have been random drug drops and substance abuse counseling, and then there would have been something like minimum parenting standards, cooperation [with DCFS], and then visits [with N.C.]” Sanders testified that the identified services were necessary, “given [respondent’s] history, her criminal history, [and her] DCFS history.”

¶ 22 According to Sanders, respondent did not engage in her required services during the first several months of the nine-month period. Sanders explained that respondent was incarcerated in the Sangamon County jail from February 2025 to May 2025, and the jail did not allow for visitation with N.C. Upon her release in May 2025, respondent was admitted to drug court and received inpatient treatment for her substance abuse issues before moving into a sober living home in July 2025. Sanders testified that it was not until “drug court mandated that she do services” that respondent “kind of got productive.” Sanders testified that from July 2025 to the end of the nine-month period, respondent consistently attended her scheduled visits with N.C., and each visit was appropriate. Sanders testified that when respondent attended the visits, “there was food, there w[ere] clothes, there w[ere] toys.”

¶ 23 Sanders further testified that although respondent had made some progress with her services, she still failed to complete required services by the end of the nine-month period, stating:

“I referred her for parenting twice, and she was discharged both times. Domestic violence counseling never got done. And in terms of mental health, when I contacted the providers Family Guidance, Gateway, SIU, Memorial, they said

they hadn't heard from her since August. So there were gaps in treatment and noncompliance."

Sanders testified that during the nine-month period, she was never close to returning N.C. to respondent's care because the progress that respondent made "wasn't long enough, it wasn't consistent enough."

¶ 24

c. Respondent

¶ 25

Respondent testified that she did not receive a copy of her service plan until July 2025. She testified that she missed "a couple" court dates. She missed one court date because N.C.'s father "punched [her] in the face on the way" to the hearing, and she missed another court date because she was in jail. Respondent testified that she called Parent Place to ask about her parenting classes but was informed that no referral had been sent on her behalf. Respondent indicated that she did not engage in her domestic violence services because she was told she could not begin them until she had completed her parenting classes. With respect to mental health services, she testified that she had been attending counseling sessions with the same psychiatrist for approximately 10 years and engaged in counseling services through a methadone clinic. Respondent summarized her compliance with her required services as follows:

"I've contacted the Parent Place, still have not—*** they need a referral, another referral. I've completed inpatient rehab and [I'm] also in outpatient. I'm in complete compliance with drug court considering drops or anything they're asking of me. *** And I haven't call[ed] [the domestic violence services provider] yet, but I assumed because the referral hadn't been sent to Parent Place that it hadn't been sent to [the domestic violence services provider]."

¶ 26

d. The Trial Court's Unfitness Findings

¶ 27 The trial court found the State had proven each allegation of parental unfitness by clear and convincing evidence. The court stated the following in support of its finding that respondent failed to make reasonable progress toward N.C.’s return to her care during the relevant nine-month period:

“Did [respondent] make reasonable progress in this case by September 12th of 2025? *** [She], finally, after getting into drug court, did do some things, but that was two months of effort on [her] part. **** Did I find that [respondent] had made reasonable progress by [September 12, 2025]? No, given [her] history, given [her] stints in and out of jail, in and out of jail, I would have been nowhere close to being able to place [N.C.] in [respondent’s] care by [September 12, 2025].”

Although the court acknowledged respondent made “some progress” during the relevant nine-month period, it nonetheless found that the progress was “very late” and “not sufficient enough for [the court] to say that that was reasonable to actually correct conditions and certainly not enough progress to where [the court] would have been close to being able to place [N.C.] back in [respondent’s] care.”

¶ 28 *4. Best-Interest Hearing*

¶ 29 On May 28, 2026, the trial court held a hearing on the best-interest portion of the State’s termination petition. The State called Sanders to testify. Respondent testified on her own behalf, and she called her mother, Tina A., to testify.

¶ 30 a. Sanders

¶ 31 Sanders testified that N.C. had been placed with her maternal grandparents since her release from the hospital following her birth. The foster home consisted of N.C., her foster parents, her biological brother, and her foster parents’ children. N.C. had her own bedroom in the

home. Sanders testified that N.C. had “possible cognitive delays,” but the foster parents were ensuring that “[s]he hasn’t missed an appointment, physical therapy, occupational therapy, speech.” According to Sanders, N.C. was “thriving” in the foster home, and the foster parents were meeting her medical, educational, social, and emotional needs. Sanders observed N.C. in the foster home two times each month. Sanders testified she had observed a bond between N.C. and the foster parents. N.C. called them “Mom, Dad, Papa, [or] Mimi.” The foster parents had expressed their desire to adopt N.C., and they had already signed the paperwork necessary to do so. On the other hand, respondent had not seen N.C. since October 2025. Sanders opined that it was in N.C.’s best interest to terminate respondent’s parental rights.

¶ 32 On cross-examination, when asked whether she had observed a bond between N.C. and respondent, Sanders testified, “Not like I’ve seen with her foster parents, no.” Sanders elaborated on her response by stating, “[Respondent] is more like a friendly face to [N.C.], but [N.C.] is very connected and bonded with her grandparents.”

¶ 33 b. Respondent

¶ 34 Respondent testified that she believed N.C. “[a]bsolutely” recognized her when they interacted during their visits, but respondent did not think that N.C. knew she was her mother. Respondent acknowledged that “this case came about primarily because of [her] addiction.” She also acknowledged that she had relapsed in October 2025. However, respondent testified that she had been sober for 86 days at the time of the hearing, was complying with the requirements of drug court, and was committed to remaining sober. When asked how she could assure the trial court that she would not relapse again, respondent answered as follows:

“I’m one hundred percent confident that recovery is where I would like to be for the rest of my life. I have no desire to go back [to] living that life, and as

I've said before, *** I pray about it. I've made the decision that even if my rights do get terminated, I'm still not going to let that affect my recovery. I'm still going to focus on myself and my recovery. And I'm—I pour in my recovery [sic]. I really plug into it and *** I feel completely different at this point.”

Respondent and her attorney then engaged in the following exchange:

“Q. Now, you're talking a lot about what you want, and I understand that, but why is it in [N.C.'s] best interest that your rights don't get terminated?

A. Because she deserves to have her own mom in her life. I would be an amazing mother for her. I am an amazing mother if given the opportunity when I'm sober. I love my children very, very much, and I would be a good influence on her. I would *** introduce God into her life. I would be at anything extracurricular or anything that she needs. I would be more than willing to provide, and I *** would treat her with all the love and care that I have.”

¶ 35 Respondent testified that she expected to complete drug court in “maybe a year, at the very most.” Respondent believed that her father—N.C.'s foster parent—would not allow her to have a relationship with N.C. if her parental rights were terminated. Respondent indicated that her father had not allowed her to have a relationship with her son and N.C.'s brother, who was living in the same foster home as N.C. Respondent testified that she was “getting [her] bachelor's in psychology and social work,” and she expected to graduate in May 2028.

¶ 36 c. Tina

¶ 37 Tina, respondent's mother, testified that she did not believe it was in N.C.'s best interest to terminate respondent's parental rights. Tina explained:

“At this point, I just feel like the best interest would be for [respondent] to

have some communication with [N.C.] and [a] life with her. I don't know what that looks like. She has a good situation. I know that, but I do know that she loves her, and she's making changes. Even if it's supervised, you know, I just ask that you give her some time to show that she really is making changes this time. She has. This is the first time I've seen it. She's been honest. She has love in her eyes and her heart, and she's been very truthful with me. And I just feel like [N.C.] deserves to know her mom."

Tina further testified that she believed respondent's father "would keep her from" having a relationship with N.C. if her parental rights were terminated.

¶ 38 d. The Trial Court's Best-Interest Finding

¶ 39 The trial court ultimately found the State had proven by a preponderance of the evidence that termination of respondent's parental rights was in N.C.'s best interest. In articulating its reasoning, the court began by stressing that it did not doubt respondent's sincerity or credibility "at all." Nonetheless, the court noted that it was required to focus solely on N.C.'s best interest, and N.C.'s foster parents were meeting all of the minor's needs and the foster home was the only home she has known. Further, the court stated the following to respondent:

"Have you had an epiphany? Perhaps so, but there is still so much water under the bridge here that it would take a significant time period for you to show that you're going to remain stable.

So, as I sit here today, I am not close to being able to place [N.C.] in your care. And those are the things that I have to look at, given all of the factors. Her need for permanence. Is she very young? Yes, but again, only home she's ever known. So, again, this isn't about what is best for you."

¶ 40 This appeal followed.

¶ 41 II. ANALYSIS

¶ 42 On appeal, respondent argues the trial court erred in (1) denying her motion to continue the fitness hearing, (2) finding she was an unfit parent, and (3) finding termination of her parental rights was in N.C.’s best interest.

¶ 43 A. Motion to Continue

¶ 44 Respondent first argues that the trial court erred in denying her motion to continue the fitness hearing. She contends the “court’s refusal to grant even a brief continuance deprived [her] of the basic procedural safeguards required before the State may permanently sever the parent-child relationship.” According to respondent, “where the requested delay was limited, the child was safely placed, and there was no pattern of dilatory continuance requests,” the court’s denial of her continuance request “elevated speed over fairness.”

¶ 45 “The sole question relating to the denial of [a] motion for a continuance is whether or not the trial court erred in its exercise of judicial discretion. Due process is in no wise involved.” (Internal quotation marks omitted.) *In re S.B.*, 2015 IL App (4th) 150260, ¶ 21; see *In re Tashika F.*, 333 Ill. App. 3d 165, 169 (2002) (“A trial court’s decision to deny a continuance will not be reversed absent an abuse of discretion.”). “A trial judge abuses his discretion when he makes a ruling that is arbitrary, fanciful, or unreasonable.” *In re D.M.*, 2020 IL App (1st) 200103, ¶ 20.

¶ 46 Illinois Supreme Court Rule 901(c) (eff. Oct. 1, 2021) provides the following guidance to trial courts in ruling on a motion to continue termination proceedings under article II of the Juvenile Court Act (705 ILCS 405/art. II (West 2024)):

“Parties, witnesses and counsel shall be held accountable for attending hearings in

child custody and allocation of parental responsibilities proceedings.

Continuances shall not be granted **** except for good cause shown and may be granted if the continuance is consistent with the health, safety and best interests of the child.” Ill. S. Ct. R. 901(c) (eff. Oct. 1, 2021).

“Under Illinois law, a party has no absolute right to a continuance.” *Tashika F.*, 333 Ill. App. 3d at 169. “Under most circumstances, requests for continuances on the day of trial need not be allowed.” *D.M.*, 2020 IL App (1st) 200103, ¶ 25; see *Sinram v. Nolan*, 227 Ill. App. 3d 241, 243 (1992) (“Our legal system cannot work efficiently if continuances are readily available on the day of trial.”). “If a continuance is not requested until the date of the trial, the moving party must give especially persuasive reasons for continuance because of the potential inconvenience to the witnesses, the parties, and the court.” *Sinram*, 227 Ill. App. 3d at 243.

¶ 47 Here, the trial court did not abuse its discretion in denying respondent’s request for a continuance. The State filed its termination petition on December 10, 2025. Respondent received notice of the permanency review hearing that was held on December 10, 2025, but she failed to appear at the hearing. Respondent also failed to appear at permanency review hearings held on February 18, 2026, and March 4, 2026. Respondent did not move for a continuance until the day of the fitness hearing—May 14, 2026—which was over five months after the filing of the petition. See *D.M.*, 2020 IL App (1st) 200103, ¶ 25 (“Under most circumstances, requests for continuances on the day of trial need not be allowed.”). Respondent’s only support for her request was that she had not spoken to her attorney since the petition was filed. However, as noted by the court, respondent’s counsel’s contact information had not changed, and respondent has never even alleged that she attempted to contact him at any point prior to the fitness hearing. Thus, respondent failed to show good cause for a continuance, and, as a result, we find the court

did not abuse its discretion in denying her request. See Ill. S. Ct. 901(c) (eff. Oct. 1, 2021) (“Continuances shall not be granted *** except for good cause shown.”).

¶ 48 B. Unfitness Finding

¶ 49 Respondent next argues the trial court erred in finding she was an unfit parent. In challenging the court’s finding that she failed to make reasonable progress during the relevant nine-month period, respondent argues, “The record shows that [she] worked toward the very goals DCFS identified: sobriety, mental-health treatment, parenting services, cooperation with DCFS, and visitation with N.C.”

¶ 50 Section 2-29 of the Juvenile Court Act “delineates a two-step process in seeking termination of parental rights involuntarily.” *In re J.L.*, 236 Ill. 2d 329, 337 (2010). First, the State must prove by clear and convincing evidence that the parent is unfit. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). In making such a determination, the court considers whether the parent’s conduct falls within one or more of the unfitness grounds described in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re D.D.*, 196 Ill. 2d 405, 417 (2001). Under the Adoption Act, an unfit parent includes any parent who fails to make reasonable progress toward his or her child’s return during any nine-month period following the neglect adjudication. 750 ILCS 50/1(D)(m)(ii) (West 2024). In addressing section 1(D)(m) of the Adoption Act, our supreme court has stated the following:

“[T]he benchmark for measuring a parent’s ‘progress toward the return of the child’ under section 1(D)(m) of the Adoption Act encompasses the parent’s compliance with the service plans and the court’s directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from

returning custody of the child to the parent.” *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001).

This court has described reasonable progress as “an ‘objective standard,’ ” which exists “when ‘the progress being made by a parent to comply with directives given for the return of the child is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody.’ ” (Emphasis in original.) *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991)).

¶ 51 “A reviewing court will not reverse a trial court’s fitness finding unless it was contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record.” *In re A.L.*, 409 Ill. App. 3d 492, 500 (2011).

¶ 52 Here, we cannot say the trial court’s unfitness finding based on respondent’s failure to make reasonable progress toward N.C.’s return to her care from December 12, 2024, to September 12, 2025, was against the manifest weight of the evidence. The evidence presented at the fitness hearing shows that respondent was incarcerated from February 2025 to May 2025, and she therefore made no progress during that time. See *J.L.*, 236 Ill. 2d at 343 (“[T]ime spent incarcerated is included in the nine-month period during which reasonable progress must be made.”). Upon her release from jail in May 2025, respondent received inpatient treatment for her substance abuse issues before moving into a sober living home in July 2025. It was not until she moved into the sober living home in July 2025 that she began to make some progress toward completing the tasks in her service plan, including consistent visitation with N.C. Nonetheless, at the conclusion of the nine-month period, respondent had yet to engage in her domestic violence services, and she had been unsuccessfully discharged from her parenting classes for nonattendance on two separate occasions. See, e.g., *In re Jeanette L.*, 2017 IL App (1st) 161944,

¶ 18 (“It is well established that a failure to comply with an imposed service plan *** may support a finding of unfitness.”). Accordingly, we find the court’s unfitness finding with respect to reasonable progress was not against the manifest weight of the evidence.

¶ 53 Based on our finding above, we need not address respondent’s challenges to the trial court’s unfitness findings with respect to the remaining two grounds alleged in the State’s termination petition. See, *e.g.*, *In re C.W.*, 199 Ill. 2d 198, 217 (2002) (“Although the State may rely on several grounds in its petition, a finding adverse to the parent on any *one* ground is sufficient to support a subsequent termination of parental rights.” (Emphasis in original.)).

¶ 54 C. Best-Interest Finding

¶ 55 Lastly, respondent argues the trial court erred in finding that termination of her parental rights was in N.C.’s best interest. She states the following in support of her argument:

“Although N.C. is not currently placed with [her], if additional time was provided to work towards reunification, [she] would be able to provide a stable environment for N.C. [Respondent] is working on getting her advanced degrees, has a stable income, is sober, is involved with the church, and is working towards obtaining housing.”

¶ 56 If the State satisfies its burden of proving the respondent unfit, the termination proceedings advance to the second stage, where the State must prove by a preponderance of the evidence that termination of the respondent’s parental rights is in the minor’s best interest. 705 ILCS 405/2-29(2) (West 2024). At the best-interest stage, the focus shifts from the parent to the child, and the issue is “whether, in light of the child’s needs, parental rights should be terminated.” (Emphasis omitted.) *In re D.T.*, 212 Ill. 2d 347, 364 (2004). Thus, “the parent’s interest in maintaining the parent-child relationship must yield to the child’s interest in a stable,

loving home life.” *Id.*

¶ 57 Section 1-3(4.05) of the Juvenile Court Act lists the best-interest factors for trial courts to consider, in the context of the minor’s age and developmental needs, when making a best-interest determination: (1) the child’s physical safety and welfare; (2) the development of the child’s identity; (3) the child’s background and ties; (4) the child’s sense of attachments; (5) the child’s wishes and long-term goals; (6) the child’s community ties; (7) the child’s need for permanence; (8) the uniqueness of every family and child; (9) the risks associated with substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2024).

¶ 58 We will not reverse a best-interest determination absent a finding it was against the manifest weight of the evidence, which, again, “mean[s] that the opposite conclusion is clearly evident from a review of the record.” *A.L.*, 409 Ill. App. 3d at 500.

¶ 59 Here, we cannot say the trial court’s best-interest finding was against the manifest weight of the evidence. The evidence presented at the best-interest hearing shows that N.C.’s only placement has been with her maternal grandparents. N.C.’s biological brother also lives in the foster home. Sanders testified that N.C. was “thriving” in the foster home, and the foster parents were meeting all of her needs. Sanders also indicated that she had observed a bond between N.C. and the foster parents, and the foster parents had already completed the paperwork necessary to adopt the minor. On the other hand, and despite the fact that N.C. came into care primarily because of respondent’s substance abuse issues, respondent had relapsed just several months before the best-interest hearing. Moreover, respondent testified that it would take approximately one more year for her to complete the conditions of drug court. Thus, given N.C.’s need for permanence and the foster parents’ ability to provide her with it, we find the

court's best-interest determination was not against the manifest weight of the evidence.

¶ 60

III. CONCLUSION

¶ 61

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

¶ 62

Affirmed.