FILED
August 11, 2017
Carla Bender
4th District Appellate
Court, IL

2017 IL App (4th) 170208-U

NOS. 4-17-0208, 4-17-0209 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: VEAON H., a Minor	)	Appeal from
	)	Circuit Court of
(The People of the State of Illinois,	)	Champaign County
Petitioner-Appellee,	)	Nos. 16JD14
v.	)	16JD233
Veaon H.,	)	
Respondent-Appellant).	)	Honorable
	)	Heidi N. Ladd,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Steigmann and Appleton concurred in the judgment.

ORDER

¶ 1 *Held*: We reject respondent's challenges to his sentences, concluding (1) respondent forfeited his argument contesting personal service and (2) the trial court properly sentenced respondent. We amend the commitment order to show 157 days of sentence credit and vacate the $50 court finance fee and $5 drug court assessment. We otherwise affirm.

¶ 2 In April 2016, respondent Veaon H. (born November 5, 2001), pleaded guilty in Champaign County case No. 16-JD-14 to unlawful possession of a stolen vehicle, a Class 2 felony (625 ILCS 5/4-103(a)(1), (b) (West 2016)). In May 2016, the trial court sentenced respondent to 24 months' probation. In December 2016, respondent's probation was revoked, and he pleaded guilty in Champaign County case No. 16-JD-233 to aggravated unlawful use of a weapon, a Class 4 felony (720 ILCS 5/24-1.6(a)(1), (3)(D), (d)(1) (West 2016)). In February 2017, the trial court adjudged respondent a ward of the court and ordered him to serve concurrent

sentences in the Department of Juvenile Justice (Department) of (1) seven years or until age 21 in case No. 16-JD-14 and (2) three years in case No. 16-JD-233.

¶ 3 In February 2017, respondent filed a motion to reconsider his sentences, which the trial court denied. Respondent appeals, arguing (1) the State violated his due process rights by not providing sufficient notice to his father, (2) the trial court failed to review sentencing factors under the Juvenile Court Act of 1987 (Act) (705 ILCS 405/5-750(1)(A)-(G), (1.5) (West 2016)), (3) the social investigation report improperly included a list of police contacts, (4) he is entitled to 157 days of sentence credit, and (5) the circuit clerk improperly imposed the $50 "Court Finance Fee" and the $5 "Drug Court Program" assessment. We amend the commitment order to show 157 days of sentence credit and vacate the court finance fee and the drug court assessment. We otherwise affirm.

¶ 4 I. BACKGROUND

¶ 5 On January 18, 2016, police arrested respondent in Champaign County case No. 16-JD-14. The next day, the State filed a petition for adjudication of delinquency and wardship, alleging unlawful possession of a stolen motor vehicle, a Class 2 felony (625 ILCS 5/4-103(a)(1), (b) (West 2016)).

¶ 6 On January 25, 2016, the State unsuccessfully attempted to serve a summons on respondent's father. In February 2016, the State made two more unsuccessful attempts to serve a summons on respondent's father but successfully served respondent's mother. On February 12, 2016, respondent was released from custody.

¶ 7 On April 7, 2016, police arrested and detained respondent in Champaign County case No. 16-JD-62 on another charge of unlawful possession of a stolen motor vehicle. On April 13, 2016, respondent surrendered himself to custody in case No. 16-JD-14.

¶ 8 The trial court dismissed case No. 16-JD-62 on April 27, 2016, and respondent pleaded guilty to unlawful possession of a stolen vehicle in case No. 16-JD-14. On May 4, 2016, respondent's father was served with a summons in case No. 16-JD-14 via substitute service.

¶ 9 On May 19, 2016, respondent was adjudicated a delinquent minor and made a ward of the court in case No. 16-JD-14. He was released from custody and sentenced to 24 months of probation and 50 hours of public service work. The trial court further ordered respondent to cooperate with all referrals, obtain substance abuse treatment for cannabis use, and attend anger-management treatment.

¶ 10 On July 28, 2016, respondent failed a court-ordered drug test, testing positive for cannabis, but the State decided against filing a petition to revoke probation because respondent had shown "improvement over what [the State had] seen in the past" and attended scheduled appointments with his caseworker. On October 3, 2016, respondent failed to appear for a hearing in case No. 16-JD-14, and the trial court ordered a warrant of apprehension.

¶ 11 On October 5, 2016, the State filed a petition to revoke probation in case No. 16-JD-14, alleging respondent committed criminal trespass to a motor vehicle, a Class A misdemeanor (720 ILCS 5/21-2 (West 2016)), and residential burglary, a Class 1 felony (720 ILCS 5/19-3 (West 2016)). The court further ordered respondent detained as "a matter of immediate and urgent necessity" for the protection of the person and property of another.

¶ 12 On October 11, 2016, the trial court ordered respondent's transfer to Chestnut Health Systems (Chestnut) for residential substance abuse treatment. The order stated he was to be returned by Chestnut to the Champaign County Youth Detention Center (Youth Detention) "for any reasons, other than a successful completion of the program." At a hearing on October 31, 2016, a court services officer reported respondent was having "aggression issues."

¶ 13 On November 2, 2016, respondent was discharged from Chestnut after his insurance coverage ran out. Chestnut declined to send respondent to Youth Detention and instead considered him discharged for successful completion of treatment and released him.

¶ 14 On November 29, 2016, police arrested respondent and, on November 30, 2016, the State filed a petition for adjudication of delinquency and wardship in Champaign County case No. 16-JD-233, charging respondent with aggravated unlawful use of a weapon, a Class 4 felony (720 ILCS 5/24-1.6(a)(1), (3)(D), (d)(1) (West 2016)). The trial court made a probable cause determination that respondent was a delinquent minor. Respondent was ordered to remain in custody as a matter of urgent and immediate necessity.

¶ 15 On December 2, 2016, the State filed a supplemental petition to revoke probation in case No. 16-JD-14, alleging respondent failed to comply with the conditions of probation. The State alleged respondent (1) had five unexcused absences from the READY program, where he was enrolled in school; and (2) "failed to report as directed to court services on August 3rd, August 18th, and September 23rd of 2016."

¶ 16 At a hearing on December 9, 2016, respondent agreed to plead guilty to the supplemental petition to revoke probation, and the State dropped the petition to revoke probation filed on October 5, 2016. The trial court ordered respondent to remain in custody until his trial in case No.

16-JD-233. The State indicated respondent's father could not be found and was granted permission to serve him by publication. No evidence of service by publication is in the record.

¶ 17 On December 22, 2016, the trial court held a bench trial in case No. 16-JD-233 and found respondent guilty of aggravated unlawful use of a weapon. The trial court further ordered respondent to remain in custody pending sentencing.

¶ 18 On February 2, 2017, the trial court held a hearing to resentence respondent in case No. 16-JD-14 and to sentence him in case No. 16-JD-233. Respondent requested the trial court to consider his diagnosis of attention deficit/hyperactivity disorder (ADHD) and bipolar disorder, as well as his success in the "Ame High" program for at-risk youth. The State countered respondent had not been successful in complying with the terms of his probation in case No. 16-JD-14. Prior to announcing respondent's sentence, the trial court stated it had considered the court services' and detention centers' reports, as well as "all appropriate evidence," "the arguments and recommendations of counsel," the nature and circumstances of respondent's offenses, and "all available alternatives to incarceration."

¶ 19 The trial court adjudicated respondent a delinquent minor and ward of the court in case No. 16-JD-233 and ordered that he remain adjudicated as such in case No. 16-JD-14. The court sentenced respondent to concurrent terms of seven years or until age 21 in case No. 16-JD-14 and three years in case No. 16-JD-233.

¶ 20 The trial court found respondent's sentence "the least restrictive alternative based on the evidence," explaining, "efforts were made to locate less restrictive alternatives to secure confinement and those efforts were unsuccessful because [respondent's] behavior presents a serious danger to the public and the person and property of others and to himself." The court stated it considered the sentencing factors in the Act (705 ILCS 405/5-750 (West 2016)), noting respondent had "failed to comply with and cooperate with services provided and with court orders." The court further explained, "This court has been working with [respondent] on multiple cases now for 19 months. He has had 4 juvenile cases, 1 contempt case, 31 police contacts in the last 5 years, many of them for serious criminal offenses." Also, the court cited respondent's

failure to "reroute his decision-making" after being sentenced to a diversionary program in 2012, as well as his continued abuse of cannabis.

¶ 21 The trial court concluded, "[A]t this point [respondent's] behavior is so dangerous for him and this community that no more community-based sentences can be risked," and he had been "given *** more than enough chances." During respondent's time at Chestnut, "[h]e was violent, threatening, at one point kicked the door, yelled at staff, swore at staff, threw a box at one of the staff members." While awaiting sentencing on January 26, 2017, respondent had cursed at Department staff. Therefore, the trial court found its sentence appropriate based upon its consideration of "the nature and circumstances of the offense and all of the factors the [trial] court must consider."

¶ 22 In February 2017, respondent filed a motion to reconsider his sentences in case Nos. 16-JD-14 and 16-JD-233, arguing the sentences were "excessive" and the trial court failed to determine if "commitment to the [Department] is the least restrictive alternative" (see 750 ILCS 405/5-750(1)(b) (West 2016)). Respondent claimed "inadequate consideration" was given to his "potential for rehabilitation" and further alleged the sentence imposed was not "in keeping with the [respondent's] age, past history of adjudications, and education."

¶ 23 In March 2017, the trial court denied respondent's motion to reconsider his sentences. In explaining its decision, the court stated:

> "I've carefully considered the motion. I made detailed findings for the record the time that I imposed the sentence, and I'm very aware of [respondent's] history. I've been working with him now for some period of time, and it's certainly very disappointing to the [c]ourt to see the choices he made. But it's apparent that we could not get his attention or meet his needs in a community[-]based sentence any

longer, considering the litany of criminal activities he'd been involved in, and the repetitive nature of the offenses he was committing, as well as all the other factors the [c]ourt has considered.

I also want to make it clear that, again, I had considered the services available in the [Department]. I've been familiar with those for a long time, but that I've specifically now considered them as documented in the report that was prepared for today's hearing. And I find no services are the ones that will best meet the needs of this young man, it cannot be done in a community[-]based setting."

In March 2017, respondent filed a notice of appeal following the court's denial of his motion to reconsider his sentences.

¶ 24 This appeal followed.

¶ 25 II. ANALYSIS

¶ 26 On appeal, respondent argues (1) the State violated his due process rights by not providing sufficient parental service and notice to his father, (2) the trial court failed to consider sentencing factors under the Act (705 ILCS 405/5-750(1), (1.5) (West 2016)), (3) the social investigation report improperly included a list of police contacts, (4) he is entitled to 157 days of sentence credit, and (5) the circuit clerk improperly imposed the $50 "Court Finance Fee" and the $5 "Drug Court Program" assessment. The State concedes the mittimus should be corrected to show 157 days of sentence credit, and the court finance and drug court assessments should be vacated. However, the State counters respondent forfeited the other issues raised on appeal. Nonetheless, the State asserts parental service and notice, as well as respondent's sentencing, were proper. We agree with the State.

¶ 27 A. Respondent Forfeited His Parental Service and Notice Argument

¶ 28 The Act requires service and notice on a "minor's parent, guardian or legal custodian." 705 ILCS 405/5-525(1)(a) (West 2016). Respondent admits he does not have a relationship with or receive support from his father, and service and notice was sufficient under the Act for purposes of subject matter jurisdiction. See *id.* ("summons need not be directed *** to a parent who does not reside with the minor, does not make regular child support payments to the minor, to the minor's other parent, or to the minor's legal guardian or custodian pursuant to a support order, and has not communicated with the minor on a regular basis"); *In re M.W.*, 232 Ill. 2d 408, 423-24, 905 N.E.2d 757, 768-69 (2009) ("Error or irregularity in the proceeding, while it may require reversal of the court's judgment on appeal, does not oust subject matter jurisdiction once it is acquired. **** [S]ubject matter jurisdiction exists as a matter of law if the matter brought before the court by the plaintiff or petitioner is 'justiciable.' ").

¶ 29 Respondent claims his due process rights were violated by inadequate parental service and notice on his father. See *In re Marcus W.*, 389 Ill. App. 3d 1113, 1123, 907 N.E.2d 949, 956 (2009) ("A minor's due-process rights are violated when proper notice is not given to a parent or guardian with a known address."). Although respondent failed to object on the basis of inadequate notice, he alleges the State's failure to provide service and notice on his father is plain error. See Ill. S. Ct. R. 615(a) (eff. Jan. 1, 1967) ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the trial court.").

¶ 30 The plain-error doctrine permits review of an unpreserved error when (1) "a clear or obvious error occurred and the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the [respondent]"; or (2) "a clear or obvious error occurred and

that error is so serious that it affected the fairness of the [respondent's] trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *People v. Piatkowski*, 225 Ill. 2d 551, 565, 870 N.E.2d 403, 410-11 (2007). "The [respondent] has the burden of persuasion on both the threshold question of plain error and the question whether [he] is entitled to relief as a result of the unpreserved error." *M.W.*, 232 Ill. 2d at 431, 905 N.E.2d at 773.

¶ 31 We find plain-error review unavailable to respondent, and he has forfeited appellate review of service and notice. "The Illinois Supreme Court has held that where a minor fails to question the State's diligence in locating the noncustodial parent at trial, the matter is [forfeited] for purposes of appeal." *In re L.C.C.*, 167 Ill. App. 3d 670, 672, 521 N.E.2d 652, 653 (1988) (citing *In re J.P.J.*, 109 Ill. 2d 129, 137, 485 N.E.2d 848, 851 (1985)). Here, respondent never objected to the diligence of the State in locating and providing his father service and notice. This court has further addressed whether inadequate service and notice in proceedings under the Act can be raised on appeal, stating:

> " '[T]he State's diligence in identifying or locating a parent whose identity or address was not known to the State at the commencement of the proceedings may not be attacked on appeal if the question was not also raised in the circuit court, where a record on the matter could have been made in the first instance. To hold otherwise would permit the minor to keep the issue in reserve and, if an appeal proves necessary, to raise it then, when the record is barren.' " *In re D.L.*, 299 Ill. App. 3d 269, 272, 701 N.E.2d 539, 542 (1998) (quoting *J.P.J.*, 109 Ill. 2d at 139-40, 485 N.E.2d at 853).

¶ 32 The record here provides no indication of where respondent's father relocated or whether the State provided him notice by publication. In fact, the record lacks evidence of any relationship between respondent and his father sufficient to support a claim of a due process violation. See *L.C.C.*, 167 Ill. App. 3d at 673, 521 N.E.2d at 654 ("Inadequate notice to a father does not deprive a minor of due process where they did not have a significant relationship."). Therefore, "unless some question is raised in the circuit court regarding the failure to identify or locate a noncustodial parent whose identity or address is not known to the State at the outset of the proceedings, the matter is [forfeited] and diligence may be assumed." *J.P.J.*, 109 Ill. 2d at 137, 485 N.E.2d at 851.

¶ 33 B. Respondent's Sentence Was Proper

¶ 34 Respondent next argues the trial court erred in sentencing him to the Department without first following the requirements found in sections 5-750(1), (1.5) of the Act (705 ILCS 405/5-750(1), (1.5) (West 2016)). The State asserts respondent made no objection and, therefore, he has forfeited this issue on appeal. However, we note respondent did raise this issue in his motion to reconsider his sentences and, therefore, he has preserved it for appeal. See *In re Raheem M.*, 2013 IL App (4th) 130585, ¶¶ 43, 51, 1 N.E.3d 86 (Respondent failed to make an objection to sentencing under the Act, but the court found raising the issue in a motion to reconsider adequately preserved the issue on appeal.). We find respondent's arguments as to the merits of his sentence unconvincing and affirm the trial court's sentences.

¶ 35 1. *Sentencing Factors Under the Act*

¶ 36 Section 5-750(1)(a) provides a minor may be committed to the Department if "it is necessary to ensure the protection of the public from the consequences of criminal activity of the delinquent." 705 ILCS 405/5-750(1)(a) (West 2016). Commitment to the Department must

be "the least restrictive alternative based on evidence that efforts were made to locate less restrictive alternatives to secure confinement and the reasons why efforts were unsuccessful in locating a less restrictive alternative to secure confinement." 705 ILCS 405/5-750(1)(b) (West 2016). Commitment to the Department must be preceded by "a finding that secure confinement is necessary" based upon a review of individualized factors, which include:

> "(A) Age of the minor.
>
> (B) Criminal background of the minor.
>
> (C) Review of results of any assessments of the minor ***.
>
> (D) Educational background of the minor, indicating whether the minor has ever been assessed for a learning disability, and if so what services were provided as well any disciplinary incidents at school.
>
> (E) Physical, mental and emotional health of the minor, indicating whether the minor has ever been diagnosed with a health issue and if so what services were provided and whether the minor was compliant with services.
>
> (F) Community based services that have been provided to the minor, and whether the minor was compliant with the services, and the reason the services were unsuccessful.
>
> (G) Services within the [Department] that will meet the individualized needs of the minor." 705 ILCS 405/5-750(1)(A) to (G) (West 2016).

In addition to the aforementioned factors, prior to commitment, the trial court must determine either "[(1)] reasonable efforts have been made to prevent or eliminate the need for the minor to be removed from the home, or [(2)] reasonable efforts cannot, at this time, for good cause, prevent or eliminate the need for removal." 705 ILCS 405/5-750(1.5) (West 2016). The trial

court must find "removal from home is in the best interests of the minor, the minor's family, and the public." *Id.*

¶ 37 2. *The Trial Court Properly Reviewed the Social Investigation Report*

¶ 38 On appeal, respondent claims the trial court did not consider various assessments that were discussed in, but not attached to, the social investigation report, in violation of section 5-750(1)(C) of the Act (705 ILCS 405/5-750(1)(C) (West 2016)). Respondent specifically claims a substance abuse evaluation from his probation, as well as a psychological evaluation from his detention, were not included in the social investigation report. He further claims the trial court made its decision based on incomplete knowledge by not making an "additional effort" to inquire into a past suicide attempt and failing to determine whether he was taking medication for ADHD and bipolar disorder. The State argues the trial court adequately addressed the factors in section 5-750(1)(C) of the Act. We agree with the State. Although the trial court's determination to send a minor to the Department is reviewed for an abuse of discretion, compliance with statutory requirements is a question of law subject to *de novo* review. *In re Ashley C.*, 2014 IL App (4th) 131014, ¶ 22, 8 N.E.3d 1142.

¶ 39 A review of the social investigation report is required before committing a minor to the Department. *In re Stead*, 59 Ill. App. 3d 1012, 1014, 376 N.E.2d 689, 691 (1978). However, we will uphold a trial court's finding where a report "provided an adequate basis upon which the court could make its decision." *In re R. D.*, 84 Ill. App. 3d 203, 205, 405 N.E.2d 460, 462 (1980). Therefore, an order of commitment to the Department will not be overturned where "the court relied upon the minor's social [investigation] report and was aware of all alternatives known to the investigating official." *In re T.M.*, 125 Ill. App. 3d 859, 861, 466 N.E.2d 1328, 1330 (1984).

¶ 40 In our *de novo* review, we find the trial court complied with the statutory requirement to review the social investigation report, which provided an adequate basis for its decision. The trial court indicated it had reviewed the social investigation report, which was compliant with the Act, as well as all other available reports. See 705 ILCS 405/5-750(1)(C) (West 2016). The social investigation report set forth respondent's age, criminal history and his enrollment at the READY school, and it included a report of respondent's school performance and disciplinary problems. See 705 ILCS 405/5-750(1)(A), (B), (D) (West 2016). The report also stated respondent was diagnosed with ADHD and bipolar disorder. See 705 ILCS 405/5-750(1)(E) (West 2016). Prior to sentencing in February 2017, an addendum was made to the report, which set forth the available services for respondent in the Department and listed assessments, substance abuse treatment, mental health treatment, individual and group counseling, case management, health care, education, religious services, volunteer services and leisure time services. See 705 ILCS 405/5-750(1)(G) (West 2016). Therefore, we find the social investigation report provided an adequate basis for the trial court to make its sentencing decision. See *R. D.*, 84 Ill. App. 3d at 205, 405 N.E.2d at 462.

¶ 41 3. *The Trial Court Properly Considered Police Contacts*

¶ 42 Respondent claims the trial court erred in its consideration of police contacts listed in the social investigation report, asserting such evidence was of "highly questionable" reliability and relevance. We disagree. We review the trial court's consideration of respondent's police contacts for an abuse of discretion. *In re M.Z.*, 296 Ill. App. 3d 669, 674, 695 N.E.2d 587, 591 (1998) ("A trial court's dispositional order is entitled to great deference and will not be reversed absent an abuse of discretion.").

¶ 43 This court has previously held that a trial court is allowed to consider police contacts in committing a minor to the Department. See *In re Nathan A.C.*, 385 Ill. App. 3d 1063, 1077, 904 N.E.2d 112, 123 (2008) ("the trial court may consider a number of factors, including prior arrests, station adjustments or curfew violations, and the social[ ]investigation report when determining whether commitment is necessary"); see also *Raheem M.*, 2013 IL App (4th) 130585, ¶ 44, 1 N.E.3d 86 (rejecting the respondent's claim police contacts were " 'unreliable evidence' " and improperly considered by the trial court).

¶ 44 4. *The Trial Court Properly Considered Sentencing Factors*

¶ 45 Respondent argues the trial court erred in committing him to the Department without having considered evidence relating to various sentencing factors. The State counters the trial court complied with section 5-750(1) of the Act. We agree with the State. "A trial court's decision to send a minor to [the Department] is reviewed for an abuse of discretion." *Ashley C.*, 2014 IL App (4th) 131014, ¶ 22, 8 N.E.3d 1142.

¶ 46 A trial court "need not recite and assign a value to each factor it has considered" in sentencing. *People v. Nussbaum*, 251 Ill. App. 3d 779, 781, 623 N.E.2d 755, 757 (1993). In this case, the trial court outlined respondent's criminal history, as well as his failures to comply with the terms of probation, stating, "[t]his court has been working with [respondent] on multiple cases now for 19 months. He has had 4 juvenile cases, 1 contempt case, 31 police contacts in the last 5 years, many of them for serious criminal offenses." See *In re T.A.C.*, 138 Ill. App. 3d 794, 798, 486 N.E.2d 375, 378 (1985) (the trial court did not abuse its discretion in sentencing respondent where it "noted T.A.C. had been before the court three times in slightly more than two years" and did not comply with court services). The trial court described the various

opportunities willingly missed by respondent, such as violating probation by testing positive for cannabis, reoffending, and missing school.

¶ 47 The trial court went on to explain, "efforts were made to locate less restrictive alternatives to secure confinement and those efforts were unsuccessful because [respondent's] behavior present[ed] a serious danger to the public and the person and property of others and to himself." See 705 ILCS 405/5-750(1.5) (West 2016); see also *Raheem M.*, 2013 IL App (4th) 130585, ¶ 50, 1 N.E.3d 86 ("Actual efforts must be made, evidence of those efforts must be presented to the court, and, if those efforts prove unsuccessful, an explanation must be given why the efforts were unsuccessful."). In considering the dangerous nature of the conduct underlying respondent's conviction for aggravated unlawful use of a weapon, coupled with the various opportunities forsaken by respondent, the trial court reasoned, "[A]t this point [respondent's] behavior is so dangerous for him and this community that no more community-based sentences can be risked." See 705 ILCS 405/5-750(1)(F), (1.5) (West 2016).

¶ 48 Therefore, we find the trial court did not abuse its discretion in committing respondent to the Department.

¶ 49 C. Sentence Credit

¶ 50 The State concedes respondent is owed 157 days of sentence credit and both parties request this court to amend the commitment order. Whether a respondent is entitled to credit for presentence custody presents a question of law, which we review *de novo*. *People v. Clark*, 2014 IL App (4th) 130331, ¶ 15, 15 N.E.3d 539.

¶ 51 Both parties assert respondent spent 136 days in custody at the Youth Center and is entitled to an additional 21 days of sentence credit for time spent at Chestnut. See *In re Christopher P.*, 2012 IL App (4th) 100902, ¶ 45, 976 N.E.2d 1095 (a respondent is entitled to

sentence credit for time spent in a court-ordered treatment program). We agree. Therefore, we amend the commitment order to show 157 days of sentence credit. See Ill. S. Ct R. 615(b)(1) (eff. Jan. 1, 1967); see also *People v. Jones*, 371 Ill. App. 3d 303, 310, 862 N.E.2d 1159, 1165 (2007) (a mittimus may be amended without remand to the trial court).

¶ 52 D. Court Finance and Drug Court Assessments

¶ 53 Respondent argues, and the State concedes, both the $50 court finance and $5 drug court assessments should be vacated because they were improperly imposed by the circuit clerk. Whether a fine or fee was improperly imposed presents a question of law, which we review *de novo*. *People v. Daily*, 2016 IL App (4th) 150588, ¶ 27, 74 N.E.3d 15.

¶ 54 The $50 court finance assessment is a fine the circuit clerk lacked the authority to impose. *Id.* ¶ 30 (citing *People v. Smith*, 2014 IL App (4th) 121118, ¶ 54, 18 N.E.3d 912). Likewise, the $5 drug court assessment is a fine the circuit clerk lacked the authority to impose. *People v. Rexroad*, 2013 IL App (4th) 110981, ¶ 53, 992 N.E.2d 3. Moreover, no statutory authority supports the imposition of either fine against a juvenile following a delinquency proceeding. *Raheem M.*, 2013 IL App (4th) 130585, ¶ 63, 1 N.E.3d 86. We therefore vacate both assessments.

¶ 55 III. CONCLUSION

¶ 56 We amend the commitment order to reflect 157 days of sentence credit and vacate the $50 "Court Finance Fee" and the $5 "Drug Court" assessment. We otherwise affirm the judgment.

¶ 57 Affirmed in part as modified and vacated in part; commitment order amended.