

offered by the Center. At a March 2014 review hearing, the court denied the parties' request to enter an order ending respondent's probation as of February 24, 2014. Instead, the court extended respondent's probation to May 5, 2014, to provide him additional time to complete the Center's treatment program.

¶ 4 Respondent appeals, arguing that the trial court's March 2014 order was void because the court lacked jurisdiction to extend his probation after the initial probationary term had expired. Respondent also argues that the court lacked the statutory authority to mandate he spend in excess of 30 days at the Center. Because we agree with respondent's first argument, we vacate the court's March 2014 order. We conclude, however, that we lack jurisdiction to consider respondent's second argument because of his untimely appeal of that issue.

¶ 5 I. BACKGROUND

¶ 6 In October 2012, the State filed an amended petition for adjudication of wardship, alleging that respondent was a delinquent minor under section 5-105(3) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/5-105(3) (West 2012)). Specifically, the State alleged that from September to October 2012, respondent committed the offenses of (1) burglary (720 ILCS 5/19-1(a) (West 2012)) (count I), (2) possession of a controlled substance (not more than 2.5 grams of cannabis) (720 ILCS 550/4(a) (West 2012)) (count II), and (3) retail theft (720 ILCS 5/16-25(a)(1) (West 2012)) (count III).

¶ 7 At a December 2012 hearing, respondent admitted that count III of the State's petition was true. In exchange, the State dismissed counts I and II. The trial court accepted respondent's admission after (1) advising him about the consequences of his statements and (2) considering the State's factual basis. The court then scheduled the matter for further proceedings.

¶ 8 Following arguments at a February 25, 2013, hearing, the trial court adjudicated

respondent a delinquent minor, made him a ward of the court, and immediately placed him on a one-year term of probation. The terms of respondent's probation required him to (1) act lawfully; (2) cooperate with the probation office; (3) refrain from (a) using drugs and alcohol or (b) possessing firearms; and (4) reside with his mother and obey her rules. The court also entered an order, which it stayed, detaining respondent for 30 days in the Center.

¶ 9 In May 2013, the State filed a supplemental petition, alleging, in pertinent part, that respondent violated the terms of his probation by consuming alcohol. At a July 2013 hearing, the State informed the trial court that in exchange for respondent's admission that he violated his probation as alleged, the State would recommend that respondent serve seven days at the Center. After confirming respondent's understanding of the State's proposed agreement, the court modified its February 2013 order by mandating that respondent serve seven days at the Center "from his stayed time."

¶ 10 On October 15, 2013, the State filed a second supplemental petition, alleging that respondent violated the terms of his probation by (1) being truant from school on four days in October 2013, (2) not residing in his mother's home since October 6, 2013, and (3) testing positive for tetrahydrocannabinol in September and October 2013. At a November 5, 2013, hearing, respondent waived his right to a detention hearing and admitted that the allegations in the State's October 2013 supplemental petition were true. The State then informed the trial court that respondent requested to enter a treatment program administered by the Center. The court then inquired, as follows:

"THE COURT: *** [Respondent], today your attorney and the [State] are talking about a plan to have you remain on your order of probation, that the probation will be modified to add the

condition that you would complete the treatment program at the [Center] starting today, and all the other conditions [of] your probation would remain the same. Do you have any questions about that?

[RESPONDENT]: No sir.

THE COURT: So that will be the order today, showing that modification of the minor's order of probation."

¶ 11 At a review hearing on February 3, 2014, respondent's probation officer reported that respondent "struggled in treatment" and was unable to maintain the required "B level status." The probation officer, specifically noting that respondent's one-year probation period was to expire later that same month, recommended that the trial court schedule a review hearing "in four to six weeks" to reassess respondent's progress. The following exchange then occurred:

"[THE STATE]: Your Honor, [the State is] looking at the minor's probation order. I believe [respondent] is scheduled to be discharged on the 24th of February. [The State is] anticipating getting a supplemental [petition] on file based on the review today, so [the State] *** ask[s] the court for a first appearance on that petition.

THE COURT: [Defense Counsel]?

[DEFENSE COUNSEL]: I have nothing to add today, Your Honor.

THE COURT: [Respondent], did you have any questions *** about your order of probation?

[RESPONDENT]: No, I don't, sir."

¶ 12 Following the State's aforementioned request, the trial court ordered, as follows:

"We're going to do an order today showing that [respondent] is not in compliance with his order of probation. The probation will be continued in place. The review hearing will be continued to *** March 3[, 2014,] for further review and also to consider any supplemental pleading that would be filed by any of the parties."

¶ 13 At the March 3, 2014, review hearing, respondent's probation officer reported that respondent had progressed to the point where he could complete the program and return home and finish his senior year in high school in the near future. After the probation officer confirmed that respondent's probation had ended on February 24, 2014, both the State and respondent's counsel requested that the trial court enter an order formally ending respondent's probation as of that date. The court responded, as follows:

"The record in this case does show that back in October *** 2013, the [State] filed a supplemental petition *** and [respondent] appeared in court [on] November 5[, 2013]. The order on that date showed that [respondent] entered admissions with regard to that supplemental petition. The probation was modified for [respondent] to complete the treatment program at the [Center].

So we're still dealing with the effects of that supplemental petition and the court's order directing modification of the minor's probation with regard to completing the treatment program.

The information today is that [respondent] is still in the treatment program, is getting close to completing it, but has not yet done so. So he had not yet completed that part of his probation, which is still in force.

So today, [the court is] going to [enter] an order showing that the cause will be continued to a further review date to allow the minor to complete the treatment program at the *** [Center. The court] suggest[s] the further review date of *** the afternoon of May 5th *** [.]

* * *

So [respondent] is still on probation. The order today will show that his probation is still in force, is being extended to that day, so we can come back and see if [respondent] has completed the treatment program at the *** [C]enter."

¶ 14 This appeal followed.

¶ 15 II. ANALYSIS

¶ 16 Respondent argues that the trial court's March 2014 order was void because the court lacked jurisdiction to extend his probation after the initial probationary term had expired. Respondent also argues that the court lacked the statutory authority to mandate he spend in excess of 30 days at the Center undergoing treatment. See 705 ILCS 405/5-710(1)(a)(v) (West 2012) (providing that a minor found to be delinquent may be "placed in detention for a period not to exceed 30 days"). We address respondent's arguments in turn.

¶ 17 A. Respondent's Jurisdictional Claim

¶ 18 Respondent argues that the trial court's March 2014 order was void because the court lacked jurisdiction to extend his probation after the initial probationary term had expired. We agree.

¶ 19 Generally, a void order is one entered by a trial court that lacks subject-matter or personal jurisdiction or the inherent authority to enter the order at issue. *McCarthy v. Pointer*, 2013 IL App (1st) 121688, ¶ 13, 3 N.E.3d 852. " 'A void judgment is from its inception a complete nullity and without legal effect' " (*Id.* (quoting *Ford Motor Credit Co. v. Sperry*, 214 Ill. 2d 371, 380, 827 N.E.2d 422, 428 (2005))) and "can be attacked at any time by a person affected by it" (*EMC Mortgage Corp. v. Kemp*, 2012 IL 113419, ¶ 15, 982 N.E.2d 152). We review *de novo* whether a trial court properly exercised jurisdiction. *In re John C.M.*, 382 Ill. App. 3d 553, 558, 904 N.E.2d 50, 56 (2008).

¶ 20 In this case, the record shows that on February 25, 2013, the trial court ordered respondent to begin serving a one-year term of probation, which the parties concede ended on February 24, 2014. The record also shows that following a March 3, 2014, hearing, the court entered an order that extended respondent's probation to May 5, 2014, to provide him additional time to complete the Center's treatment program. We conclude that the court lacked jurisdiction to enter such an order because, generally, "a court's jurisdiction ends with the probation expiration date." *People v. Wilson*, 293 Ill. App. 3d 339, 341, 687 N.E.2d 1182, 1184 (1997).

¶ 21 We also note that although a trial court may retain subject-matter jurisdiction to enforce conditions of probation that survive independently of the probation order, forms of punishment that can only be imposed in conjunction with probation orders—as occurred in this case—cannot survive once the probation order has expired. *People v. Budzynski*, 333 Ill. App. 3d 433, 437, 775 N.E.2d 275, 279 (2002). Here, the court ordered respondent to complete the

Center's treatment program under section 5-715(2)(e) of the Juvenile Court Act, which authorized the court to order either attendance or residence "in a facility established for the instruction or residence of persons on probation" (705 ILCS 405/5-715(2)(e) (West 2012)).

¶ 22 Accordingly, we vacate the trial court's March 3, 2014, order.

¶ 23 B. Respondent's Statutory Claim

¶ 24 Respondent also argues that the trial court lacked the statutory authority under section 5-710(1)(a)(v) of the Juvenile Court Act to mandate he spend in excess of 30 days at the Center undergoing treatment. We dismiss respondent's claim for lack of jurisdiction.

¶ 25 In his March 31, 2014, notice of appeal, respondent purports to appeal the trial court's November 5, 2013, order, which modified respondent's February 2013 probation order to include the successful completion of the Center's treatment program, that respondent now claims violated section 5-710(1)(a)(v) of the Juvenile Court Act. We conclude that we lack jurisdiction to consider respondent's claim because his appeal is untimely. See *In re Christopher P.*, 2012 IL App (4th) 100902, ¶ 32, 976 N.E.2d 1095 (rejecting the respondent's claim that the trial court's imposition of 90 days at the Center's treatment program violated section 5-710(1)(a)(v) of the Juvenile Court Act because respondent failed to timely appeal the specific order imposing that condition). See also *In re Darius L.*, 2012 IL App (4th) 120035, ¶ 33, 976 N.E.2d 1109 (declining to address whether the Center's treatment program violated the 30-day limitation in detention because the respondent did not timely appeal the order imposing that condition).

¶ 26 III. CONCLUSION

¶ 27 For the reasons stated, we vacate the trial court's March 3, 2014, order.

¶ 28 Order vacated.