

2012 IL App (2d) 111139-U  
No. 2-11-1139  
Order filed December 20, 2012

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

---

IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

---

<i>In re</i> RACHEL R., a Minor	)	Appeal from the Circuit Court
	)	of Lake County.
	)	
	)	No. 11-JD-331
	)	
(The People of the State of Illinois,	)	Honorable
Petitioner-Appellee, v. Rachel R.,	)	Sarah P. Lessman,
Respondent-Appellant).	)	Judge, Presiding.

---

JUSTICE HUDSON delivered the judgment of the court.  
Presiding Justice Burke and Justice McLaren concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The trial court's imposition of a public defender fee was not void: because the fee was not made a condition of respondent's probation, it was authorized by the Juvenile Court Act.
- ¶ 2 Respondent, Rachel R., was adjudicated a delinquent minor and placed on probation. The sentencing order contained a provision ordering respondent's mother to pay \$250 to the County of Lake as reimbursement for the services of the public defender. Respondent timely appealed. At issue is whether that provision of the trial court's order must be vacated as void, where the court stated at sentencing that the reimbursement was being ordered "as part of [the minor's] requirements

for probation” and where, according to respondent, there was no authority for making reimbursement a condition of probation. For the reasons the follow, we affirm.

¶ 3

## I. BACKGROUND

¶ 4 The State filed a delinquency petition charging respondent with two counts of domestic battery (720 ILCS 5/12-3.2(a)(2) (West 2010)). The public defender was appointed to represent respondent. Following a hearing, respondent was found guilty of one count of domestic battery, and the matter proceeded to sentencing.

¶ 5 The trial court sentenced responded to nine months of probation, subject to certain terms and conditions. The preprinted, four-page “Juvenile Sentencing Order” listed numerous possible terms and conditions. Several were marked with an “X.” None of the listed terms and conditions referenced public defender reimbursement. Page three of the “Juvenile Sentencing Order” had a section beginning with the words “IT IS FURTHER ORDERED.” This section of the order applied to the minor’s father, mother, step-father, step-mother, guardian, or custodian, depending on which entry was marked with an “X.” Here, “mother” was marked with an “X.” Thereafter, like the portion of the order that listed the possible terms and conditions of probation, this portion of the order, applicable to respondent’s mother, listed possible orders directed at the mother. It was here that the mother was ordered to reimburse the County of Lake the sum of \$250 for the services of the public defender. At the hearing, the court told respondent that it was ordering the \$250 reimbursement “as part of [respondent’s] requirements for probation.”

¶ 6 Following sentencing, respondent timely appealed.

¶ 7

## II. ANALYSIS

¶ 8 Respondent contends that the order requiring her mother to pay a \$250 public defender reimbursement for the services of the Lake County public defender should be vacated as unauthorized and void. She argues that “no provision of the Juvenile Court Act or Code of Criminal Procedure authorizes a judge to order a juvenile respondent or her mother to reimburse the county for the services of the respondent’s court-appointed defense counsel as a term of her probation.” She further argues that the court failed to conduct a hearing on her mother’s ability to pay. Respondent requests that we vacate the order requiring her mother to pay Lake County \$250.

¶ 9 In response, the State directs our attention to section 6-9(1) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/6-9(1) (West 2010)), which respondent failed to address. Section 6-9(1) provides in pertinent part:

“If it appears that the person liable for the support of the minor is able to contribute to legal fees for representation of the minor, the court shall enter an order requiring that person to pay a reasonable sum for the representation, to the attorney providing the representation or to the clerk of the court for deposit in the appropriate account or fund.” 705 ILCS 405/6-9(1) (West 2010).

Respondent concedes in her reply brief that this section “would authorize a judge to enter a freestanding order requiring a parent to reimburse the county for the services of the minor’s public defender.” Nevertheless, respondent maintains that this section does not authorize the judge to make the reimbursement a term of the minor’s probation.

¶ 10 While the court stated at the sentencing hearing that it was ordering the \$250 reimbursement “as part of [respondent’s] requirements for probation,” the sentencing order does not make the \$250 reimbursement a term or condition of respondent’s probation. Instead, the order sets forth the

reimbursement in a section of the order directed specifically at respondent's mother. Although generally an oral pronouncement controls over a written judgment (*In re Tr. O.*, 362 Ill. App. 3d 860, 868 (2005)), we presume that the trial court simply misspoke, as opposed to entering an invalid order. See *People v. Gaultney*, 174 Ill. 2d 410, 420 (1996) (trial court presumed to follow the law). Accordingly, we clarify that the payment is not a term of probation, but we otherwise affirm.

¶ 11 We note that respondent has based her standing to challenge the order on the premise it was a term of her probation. Having concluded that the order for payment is not a term of her probation, we find that respondent lacks standing to address the merits of the order and we will not consider it further.

¶ 12 III. CONCLUSION

¶ 13 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 14 Affirmed.