

1 AN ACT to re-enact a portion of Public Act 90-456,
2 relating to juveniles.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 1. Findings; validation; application.

6 (a) Public Act 90-456, effective January 1, 1998, was
7 entitled "An Act in relation to criminal law.". It contained
8 provisions amending the Criminal Code of 1961, the Code of
9 Criminal Procedure of 1963, and the Emergency Telephone
10 System Act, all pertaining to the subject of criminal law.
11 It also contained a provision amending subsection (b) of
12 Section 2-14 of the Juvenile Court Act of 1987, relating to
13 the commencement of civil adjudicatory hearings in abuse,
14 neglect, and dependency cases.

15 (b) The Illinois Supreme Court, in *People v. Sypien*,
16 Docket No. 89265, has ruled that the inclusion of the
17 amendment to the Juvenile Court Act of 1987 violated the
18 single subject clause of the Illinois Constitution (Article
19 IV, Section 8(d)), and that Public Act 90-456 is therefore
20 unconstitutional in its entirety.

21 (c) This Act re-enacts Section 2-14 of the Juvenile
22 Court Act of 1987. The text of that Section includes both
23 the changes made by Public Act 90-456 and changes made by
24 subsequent amendments. In order to avoid confusion with the
25 changes made by subsequent amendments, the Section that is
26 re-enacted in this Act is shown as existing text (i.e.,
27 without striking and underscoring). This Act is not intended
28 to supersede any other Public Act that amends the text of the
29 re-enacted Section as set forth in this Act.

30 (d) All otherwise lawful actions taken before the
31 effective date of this Act in reliance on or pursuant to
32 Section 2-14 of the Juvenile Court Act of 1987, as set forth

1 in Public Act 90-456 or as subsequently amended, by any
2 officer, employee, or agency of State government or by any
3 other person or entity, are hereby validated.

4 (e) This Act applies to actions or proceedings pending
5 on or after the effective date of Public Act 90-456 (January
6 1, 1998), as well as to actions or proceedings pending on or
7 after the effective date of this Act.

8 Section 5. The Juvenile Court Act of 1987 is amended by
9 re-enacting Section 2-14 as follows:

10 (705 ILCS 405/2-14) (from Ch. 37, par. 802-14)

11 Sec. 2-14. Date for Adjudicatory Hearing.

12 (a) Purpose and policy. The legislature recognizes that
13 serious delay in the adjudication of abuse, neglect, or
14 dependency cases can cause grave harm to the minor and the
15 family and that it frustrates the health, safety and best
16 interests of the minor and the effort to establish permanent
17 homes for children in need. The purpose of this Section is
18 to insure that, consistent with the federal Adoption
19 Assistance and Child Welfare Act of 1980, Public Law 96-272,
20 as amended, and the intent of this Act, the State of Illinois
21 will act in a just and speedy manner to determine the best
22 interests of the minor, including providing for the safety of
23 the minor, identifying families in need, reunifying families
24 where the minor can be cared for at home without endangering
25 the minor's health or safety and it is in the best interests
26 of the minor, and, if reunification is not consistent with
27 the health, safety and best interests of the minor, finding
28 another permanent home for the minor.

29 (b) When a petition is filed alleging that the minor is
30 abused, neglected or dependent, an adjudicatory hearing shall
31 be commenced within 90 days of the date of service of process
32 upon the minor, parents, any guardian and any legal

1 custodian, unless an earlier date is required pursuant to
2 Section 2-13.1. Once commenced, subsequent delay in the
3 proceedings may be allowed by the court when necessary to
4 ensure a fair hearing.

5 (c) Upon written motion of a party filed no later than
6 10 days prior to hearing, or upon the court's own motion and
7 only for good cause shown, the Court may continue the hearing
8 for a period not to exceed 30 days, and only if the
9 continuance is consistent with the health, safety and best
10 interests of the minor. When the court grants a continuance,
11 it shall enter specific factual findings to support its
12 order, including factual findings supporting the court's
13 determination that the continuance is in the best interests
14 of the minor. Only one such continuance shall be granted. A
15 period of continuance for good cause as described in this
16 Section shall temporarily suspend as to all parties, for the
17 time of the delay, the period within which a hearing must be
18 held. On the day of the expiration of the delay, the period
19 shall continue at the point at which it was suspended.

20 The term "good cause" as applied in this Section shall be
21 strictly construed and be in accordance with Supreme Court
22 Rule 231 (a) through (f). Neither stipulation by counsel nor
23 the convenience of any party constitutes good cause. If the
24 adjudicatory hearing is not heard within the time limits
25 required by subsection (b) or (c) of this Section, upon
26 motion by any party the petition shall be dismissed without
27 prejudice.

28 (d) The time limits of this Section may be waived only
29 by consent of all parties and approval by the court.

30 (e) For all cases filed before July 1, 1991, an
31 adjudicatory hearing must be held within 180 days of July 1,
32 1991.

33 (Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98;
34 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.