

1 AN ACT in relation to minors.

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

4 Section 1. Findings; validation; application.

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

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

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

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 and by changing Section 2-22 as
10 follows:

11 (705 ILCS 405/2-14) (from Ch. 37, par. 802-14)

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

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

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

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

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

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

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

31 (e) For all cases filed before July 1, 1991, an
32 adjudicatory hearing must be held within 180 days of July 1,
33 1991.

34 (Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98;

1 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

2 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

3 Sec. 2-22. Dispositional hearing; evidence; continuance.

4 (1) At the dispositional hearing, the court shall
5 determine whether it is in the best interests of the minor
6 and the public that he be made a ward of the court, and, if
7 he is to be made a ward of the court, the court shall
8 determine the proper disposition best serving the health,
9 safety and interests of the minor and the public. The court
10 also shall consider the permanency goal set for the minor,
11 the nature of the service plan for the minor and the services
12 delivered and to be delivered under the plan. All evidence
13 helpful in determining these questions, including oral and
14 written reports, may be admitted and may be relied upon to
15 the extent of its probative value, even though not competent
16 for the purposes of the adjudicatory hearing.

17 (2) Once all parties respondent have been served in
18 compliance with Sections 2-15 and 2-16, no further service or
19 notice must be given to a party prior to proceeding to a
20 dispositional hearing. ~~Notice--in--compliance--with--Supreme~~
21 ~~Court--Rule--11--must--be--given--to--all--parties--respondent--prior~~
22 ~~to--proceeding--to--a--dispositional--hearing.~~ Before making an
23 order of disposition the court shall advise the State's
24 Attorney, the parents, guardian, custodian or responsible
25 relative or their counsel of the factual contents and the
26 conclusions of the reports prepared for the use of the court
27 and considered by it, and afford fair opportunity, if
28 requested, to controvert them. The court may order, however,
29 that the documents containing such reports need not be
30 submitted to inspection, or that sources of confidential
31 information need not be disclosed except to the attorneys for
32 the parties. Factual contents, conclusions, documents and
33 sources disclosed by the court under this paragraph shall not

1 be further disclosed without the express approval of the
2 court pursuant to an in camera hearing.

3 (3) A record of a prior continuance under supervision
4 under Section 2-20, whether successfully completed with
5 regard to the child's health, safety and best interest, or
6 not, is admissible at the dispositional hearing.

7 (4) On its own motion or that of the State's Attorney, a
8 parent, guardian, custodian, responsible relative or counsel,
9 the court may adjourn the hearing for a reasonable period to
10 receive reports or other evidence, if the adjournment is
11 consistent with the health, safety and best interests of the
12 minor, but in no event shall continuances be granted so that
13 the dispositional hearing occurs more than 6 months after the
14 initial removal of a minor from his or her home. In
15 scheduling investigations and hearings, the court shall give
16 priority to proceedings in which a minor has been removed
17 from his or her home before an order of disposition has been
18 made.

19 (5) Unless already set by the court, at the conclusion
20 of the dispositional hearing, the court shall set the date
21 for the first permanency hearing, to be conducted under
22 subsection (2) of Section 2-28, which shall be held: (a)
23 within 12 months from the date temporary custody was taken,
24 (b) if the parental rights of both parents have been
25 terminated in accordance with the procedure described in
26 subsection (5) of Section 2-21, within 30 days of the
27 termination of parental rights and appointment of a guardian
28 with power to consent to adoption, or (c) in accordance with
29 subsection (2) of Section 2-13.1.

30 (6) When the court declares a child to be a ward of the
31 court and awards guardianship to the Department of Children
32 and Family Services, (a) the court shall admonish the
33 parents, guardian, custodian or responsible relative that the
34 parents must cooperate with the Department of Children and

1 Family Services, comply with the terms of the service plans,
2 and correct the conditions which require the child to be in
3 care, or risk termination of their parental rights; and
4 (b) the court shall inquire of the parties of any intent to
5 proceed with termination of parental rights of a parent:

6 (A) whose identity still remains unknown;

7 (B) whose whereabouts remain unknown; or

8 (C) who was found in default at the adjudicatory
9 hearing and has not obtained an order setting aside the
10 default in accordance with Section 2-1301 of the Code of
11 Civil Procedure.

12 (Source: P.A. 89-17, eff. 5-31-95; 90-28, eff. 1-1-98; 90-87,
13 eff. 9-1-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.