

1 AN ACT concerning juveniles.

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.

29 (d) All otherwise lawful actions taken before the
30 effective date of this Act in reliance on or pursuant to
31 Section 2-14 of the Juvenile Court Act of 1987, as set forth
32 in Public Act 90-456 or as subsequently amended, by any

1 officer, employee, or agency of State government or by any
2 other person or entity, are hereby validated.

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

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

9 (705 ILCS 405/2-14) (from Ch. 37, par. 802-14)

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

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

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

1 Section 2-13.1. Once commenced, subsequent delay in the
2 proceedings may be allowed by the court when necessary to
3 ensure a fair hearing.

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

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

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

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

32 (Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98;
33 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.