LRB9202842REdvam01

- 1 AMENDMENT TO SENATE BILL 1233
- 2 AMENDMENT NO. ____. Amend Senate Bill 1233 by replacing
- 3 everything after the enacting clause with the following:
- 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

- 1 changes made by subsequent amendments, the Section that is
- 2 re-enacted in this Act is shown as existing text (i.e.,
- 3 without striking and underscoring). This Act is not intended
- 4 to supersede any other Public Act that amends the text of the
- 5 re-enacted Section as set forth in this Act.
- 6 (d) All otherwise lawful actions taken before the
- 7 effective date of this Act in reliance on or pursuant to
- 8 Section 2-14 of the Juvenile Court Act of 1987, as set forth
- 9 in Public Act 90-456 or as subsequently amended, by any
- 10 officer, employee, or agency of State government or by any
- other person or entity, are hereby validated.
- 12 (e) This Act applies to actions or proceedings pending
- on or after the effective date of Public Act 90-456 (January
- 14 1, 1998), as well as to actions or proceedings pending on or
- 15 after the effective date of this Act.
- Section 5. The Juvenile Court Act of 1987 is amended by
- 17 re-enacting Section 2-14 as follows:
- 18 (705 ILCS 405/2-14) (from Ch. 37, par. 802-14)
- 19 Sec. 2-14. Date for Adjudicatory Hearing.
- 20 (a) Purpose and policy. The legislature recognizes that
- 21 serious delay in the adjudication of abuse, neglect, or
- 22 dependency cases can cause grave harm to the minor and the
- 23 family and that it frustrates the health, safety and best
- 24 interests of the minor and the effort to establish permanent
- 25 homes for children in need. The purpose of this Section is
- 26 to insure that, consistent with the federal Adoption
- 27 Assistance and Child Welfare Act of 1980, Public Law 96-272,
- as amended, and the intent of this Act, the State of Illinois
- 29 will act in a just and speedy manner to determine the best
- 30 interests of the minor, including providing for the safety of
- 31 the minor, identifying families in need, reunifying families
- 32 where the minor can be cared for at home without endangering

- 1 the minor's health or safety and it is in the best interests
- of the minor, and, if reunification is not consistent with
- 3 the health, safety and best interests of the minor, finding
- 4 another permanent home for the minor.
- 5 (b) When a petition is filed alleging that the minor is
- 6 abused, neglected or dependent, an adjudicatory hearing shall
- 7 be commenced within 90 days of the date of service of process
- 8 upon the minor, parents, any guardian and any legal
- 9 custodian, unless an earlier date is required pursuant to
- 10 Section 2-13.1. Once commenced, subsequent delay in the
- 11 proceedings may be allowed by the court when necessary to
- 12 ensure a fair hearing.

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

time of the delay, the period within which a hearing must be

- 27 shall continue at the point at which it was suspended.
- The term "good cause" as applied in this Section shall be
- 29 strictly construed and be in accordance with Supreme Court
- 30 Rule 231 (a) through (f). Neither stipulation by counsel nor
- 31 the convenience of any party constitutes good cause. If the
- 32 adjudicatory hearing is not heard within the time limits
- 33 required by subsection (b) or (c) of this Section, upon
- 34 motion by any party the petition shall be dismissed without

- 1 prejudice.
- 2 (d) The time limits of this Section may be waived only
- 3 by consent of all parties and approval by the court.
- 4 (e) For all cases filed before July 1, 1991, an
- 5 adjudicatory hearing must be held within 180 days of July 1,
- 6 1991.
- 7 (Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98;
- 8 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)
- 9 Section 99. Effective date. This Act takes effect upon
- 10 becoming law.".