

1 AMENDMENT TO SENATE BILL 1917

2 AMENDMENT NO. _____. Amend Senate Bill 1917 as follows:

3 on page 1, by replacing lines 4 and 5 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

1 subsequent amendments. In order to avoid confusion with the
2 changes made by subsequent amendments, the Section that is
3 re-enacted in this Act is shown as existing text (i.e.,
4 without striking and underscoring). This Act is not intended
5 to supersede any other Public Act that amends the text of the
6 re-enacted Section as set forth in this Act. This Act also
7 amends Section 2-22 of the Juvenile Court Act of 1987.

8 (d) All otherwise lawful actions taken before the
9 effective date of this Act in reliance on or pursuant to
10 Section 2-14 of the Juvenile Court Act of 1987, as set forth
11 in Public Act 90-456 or as subsequently amended, by any
12 officer, employee, or agency of State government or by any
13 other person or entity, are hereby validated.

14 (e) This Act applies to actions or proceedings pending
15 on or after the effective date of Public Act 90-456 (January
16 1, 1998), as well as to actions or proceedings pending on or
17 after the effective date of this Act.

18 Section 5. The Juvenile Court Act of 1987 is amended by
19 re-enacting Section 2-14 and by changing Section 2-22 as
20 follows:

21 (705 ILCS 405/2-14) (from Ch. 37, par. 802-14)
22 Sec. 2-14. Date for Adjudicatory Hearing.

23 (a) Purpose and policy. The legislature recognizes that
24 serious delay in the adjudication of abuse, neglect, or
25 dependency cases can cause grave harm to the minor and the
26 family and that it frustrates the health, safety and best
27 interests of the minor and the effort to establish permanent
28 homes for children in need. The purpose of this Section is
29 to insure that, consistent with the federal Adoption
30 Assistance and Child Welfare Act of 1980, Public Law 96-272,
31 as amended, and the intent of this Act, the State of Illinois
32 will act in a just and speedy manner to determine the best

1 interests of the minor, including providing for the safety of
2 the minor, identifying families in need, reunifying families
3 where the minor can be cared for at home without endangering
4 the minor's health or safety and it is in the best interests
5 of the minor, and, if reunification is not consistent with
6 the health, safety and best interests of the minor, finding
7 another permanent home for the minor.

8 (b) When a petition is filed alleging that the minor is
9 abused, neglected or dependent, an adjudicatory hearing shall
10 be commenced within 90 days of the date of service of process
11 upon the minor, parents, any guardian and any legal
12 custodian, unless an earlier date is required pursuant to
13 Section 2-13.1. Once commenced, subsequent delay in the
14 proceedings may be allowed by the court when necessary to
15 ensure a fair hearing.

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

31 The term "good cause" as applied in this Section shall be
32 strictly construed and be in accordance with Supreme Court
33 Rule 231 (a) through (f). Neither stipulation by counsel nor
34 the convenience of any party constitutes good cause. If the

1 adjudicatory hearing is not heard within the time limits
2 required by subsection (b) or (c) of this Section, upon
3 motion by any party the petition shall be dismissed without
4 prejudice.

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

7 (e) For all cases filed before July 1, 1991, an
8 adjudicatory hearing must be held within 180 days of July 1,
9 1991.

10 (Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98;
11 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)".