

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.