**Section 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits**

a) Hearings on petitions filed by responsible relatives aggrieved by the Department's determination regarding a request for issuance of a family financial responsibility driving permit under 89 Ill. Adm. Code 160.70(m) shall be:

1) de novo, and the Department's decision on the petition shall be

independent of the prior determination; and

2) governed by Sections 104.10 through 104.70, except that "appellant" as used within this Part shall refer to the responsible relative who petitions as set out in subsection (b).

b) The following additional rules shall govern:

1) A request for an appeal must be filed in the regional or central office of the Division of Child Support Services at the address furnished in the

Department's notice of determination.

2) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered interested parties.

3) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D responsible relatives.

4) If the responsible relative is an Illinois resident, the hearing shall be conducted in the responsible relative's county of residence. If the responsible relative is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the responsible relative nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Services. If a responsible relative is outside the State, he or she may, in a manner consistent with Section 11-8.2 of the Illinois Public Aid Code [305 ILCS 5/11-8.2], present his or her case through depositions and witnesses. In addition, a responsible relative may request to participate in the hearing by telephone, at his or her own expense.

5) Documents certified by a clerk of the court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)

6) In addition to the responsible relative, the Division of Child Support Services may request and receive a continuance for good cause shown (for example, illness or other circumstance that prevents continued participation in the normal course of the hearing).

7) Following the hearing, the Director of the Department shall make a Final Administrative Decision. A copy of the decision shall be mailed to each interested party and the parties' representatives, if any. The Department shall take appropriate action implementing the decision within 30 days after its release.

(Source: Added at 35 Ill. Reg. 2030, effective January 21, 2011)