**Section 270.442 Discovery; Exchange of Information**

a) Pursuant to Section 8(11) of the Act, a caregiver is only entitled to a copy of the statement of allegations from the abuse report and the substantiation decision from the final investigative report contained in the case record of the victim maintained by an APS provider agency.

1) Written and/or digital information about the victim is not material and/or relevant to the limited issue on appeal. Disclosure of the case record, including, but not limited to, intake reports, risk assessments, plans of care, status reports, documents pertaining to interventions/services, and updates, constitutes an unwarranted invasion of personal privacy and/or protection afforded to a reporter.

2) APS provider agency written and/or digital information, including, but not limited to, logs, tracking records, case recording forms, and reports to the Department's Office of Adult Protective Services, are not relevant to the limited issue on appeal and discloses investigative techniques to the detriment of program administration.

3) Program written and/or digital information, including, but not limited to, auditing and monitoring information about the APS provider agency, is not relevant to the limited issue on appeal because this information exceeds the scope of the verified and substantiated finding.

4) All other materials, including, but not limited to, information relating to the identity of the reporter, are confidential and protected from disclosure under Sections 4(c) and 8 of the Act.

b) Discovery is a process primarily conducted between the parties. The Department/other entity will not facilitate the exchange of information, except when a motion is made alleging failure to comply with discovery obligations.

c) Case-specific information regarding timeframes for discovery will be included in the Notice of Hearing.

d) The parties shall not use discovery to harass or cause needless delay, and hearings shall not be delayed to permit the exchange of information unless timeliness and due diligence is shown by the party seeking the information.

e) Upon written request served upon the opposing party, any party will be entitled to:

1) The name and address of any witness who may be called to testify;

2) Copies of any document that may be offered as evidence; and

3) A description of any other evidence that may be offered.

f) If a party fails to answer a request for information, the Department/other entity may enter any just and appropriate order to advance the disposition of the matter, including but not limited to:

1) Staying any further proceeding until the request for information is answered;

2) Barring the testimony of any witness not disclosed in the answer to the request for information;

3) Not allowing the introduction of, or any testimony concerning, any document or evidence not provided in an answer to the request for information; or

4) Issuing protective orders that deny, limit, condition, or regulate discovery to minimize unreasonable expense, or to prevent harassment, to expedite resolution of the proceeding, or to protect confidential materials from disclosure consistent with Sections 4(c) and 8 of the Act and this Section.

(Source: Added at 42 Ill. Reg. 9226, effective July 1, 2018)