**Section 337.90 Notices of Department or Provider Agency Decisions**

a) Required Notices

1) Persons who may appeal, pursuant to Section 337.60, have the right to receive a timely and adequate written notice of Department or provider agency decisions. This notice may be in the form of a completed service plan provided the service plan includes, either in the case plan or through additional documents, all of the elements required in an adequate notice (subsection (c)). This notice shall be provided by the entity making the decision. A timely and adequate written notice is required on decisions that are appealable under Section 337.70.

2) Notices need not be "timely" in situations in which a child is considered to be in imminent risk of harm. In situations in which the Department assessed a child to be in imminent risk of harm, the Department may omit "timely written notice", but shall send adequate written notice no later than the date of the action that shall include a statement explaining why timely notice was not provided.

3) Written notice shall be in the appellant's primary language.

b) Timely Written Notices

A written notice is considered "timely" when mailed within the following time frames:

1) within 30 calendar days after the request for child welfare or day care services;

2) at least 10 calendar days before an action to reduce, suspend or terminate services, or before implementing a critical decision in situations in which the Department does not consider the child in imminent risk of harm;

3) within 30 calendar days after the date the Department is given notice of the relative's request for placement of a Department ward.

c) A written notice is considered "adequate" when it contains:

1) a specific statement of the action the Department or its provider agency intends to take;

2) the proposed date for the intended action;

3) the reasons and information supporting the action, and specific rules relied upon when taking the action;

4) a statement advising the individual of the right to appeal the decision made by the Department or its provider agency or any part of the service plan with which he or she may not agree;

5) an explanation of the service appeal process available;

6) a statement that:

A) except as provided in subsection (c)(6)(B), an appeal of a decision made by the Department or its provider agency must be requested in writing within 45 calendar days after the date of notice; and

B) an appeal of a final decision of a clinical placement review must be requested in writing within 10 days from the clinical placement review decision (see Section 337.30(c));

7) a statement that:

A) except as provided in subsection (c)(7)(B), services will continue unchanged, unless the child is determined to be in imminent risk of harm if services continue unchanged, if an appeal of the decision made by the Department or its provider agency is requested within 10 calendar days after the date of notice; and

B) for an appeal taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal (see Section 337.30(c));

8) if the issue is subject to emergency review, a statement advising the individual that an emergency review is available upon request;

9) the name and address of the individual who must be contacted in order to request an appeal of the decision;

10) a statement that the individual may have a lawyer, or other representative, witnesses, or other individuals having knowledge of the issues in dispute, present throughout the appeal process; and

11) a statement informing the individual that he or she may submit a brief, written summary that may include additional information for consideration as to why the Department or provider agency should change its decision.

d) Delivery of Notices

Notices shall be:

1) hand delivered with a certificate of delivery signed by the appellant or representative; or

2) sent certified or registered mail to the parties or their agents appointed to receive service of process in accordance with the requirements of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)