**Section 383.140 The Role of the Chief Administrative Law Judge**

a) The Chief Administrative Law Judge may grant a request for an administrative hearing when:

1) the original written request for an administrative hearing was received by the Chief Administrative Law Judge within 10 days after the postmark of the notice of intent issued per Section 383.85. The date of request for an administrative hearing is the postmark on the appellant's request for an administrative hearing; and

2) the issue is within the jurisdiction of this Part as set forth in Section 383.120.

b) The Chief Administrative Law Judge may dismiss a request for an administrative hearing for the following reasons:

1) the appeal request is not reviewable because the Department has not provided written notice to the licensee or permit holder of intent to revoke a license, refuse to renew a license or refuse to issue a full license to a permit holder, as provided in Section 383.85;

2) the request for administrative hearing was not submitted to the Chief Administrative Law Judge in writing within the time frame set out in Section 383.85;

3) the appellant has withdrawn the request for an administrative hearing in writing; or

4) the appellant has abandoned his or her request for an administrative hearing. Grounds for abandonment include:

A) failure by the appellant or the appellant's authorized representative, without good cause, to appear at a hearing or pre-hearing conference;

B) surrender of the license or permit after requesting an administrative hearing; or

C) failure by the appellant to notify the Chief Administrative Law Judge of a change of address and a notice of the administrative hearing, sent to the appellant's last known address, was returned as "undeliverable", "unclaimed", "refused", "moved" or "no forwarding address".

c) A party seeking to vacate an order of abandonment shall file a motion within 14 days after notice of the entry of an order of abandonment or default, showing good cause why the party failed to appear or participate.

d) The Chief Administrative Law Judge shall provide written notice of the decision to grant or deny the request for an administrative hearing within 30 days after receipt of the request for an administrative hearing. If the Chief Administrative Law Judge finds that the issue is not reviewable under this Subpart but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the request to the proper hearing authority and notify the appellant of this action.

e) If a request for an administrative hearing is granted, the notice issued by the Chief Administrative Law Judge to the appellant shall provide:

1) a hearing date within 30 days after the date the appellant's written request for administrative hearing was received;

2) a location for the hearing at a time and place reasonably convenient for all parties;

3) If the appellant is a foster family home licensee, a statement that a telephonic hearing in lieu of an in-person hearing may be scheduled when the decision to revoke or refuse to renew a foster family home license is based solely upon an allegation that the licensee did not file a timely and/or complete application for renewal of the foster family home license. However, the notice of hearing shall state that the appellants (foster parents) have the right to request an "in person" hearing. The appellants may exercise their right by sending a written request for an "in person" hearing within 15 days after the date of the notice of hearing;

4) a statement of the parties' rights during the administrative hearing process;

5) the name and address of the licensee or permit holder, if not represented by counsel, or the name of the licensee and the name and address of the counsel, if represented by counsel;

6) the name and business address of the Department representative for the administrative hearing;

7) a citation to Section 9 of the Child Care Act that grants the Department the legal authority and jurisdiction to hold the hearing;

8) a reference to the particular Sections of the statutes and administrative rules involved. This element may be satisfied by attaching a statement of charges;

9) a short and plain statement of the matters that are the basis of the complaint. This element may be satisfied by attaching a statement of charges;

10) the reasons that may be deemed an abandonment under Section 383.140 and the cause for the entry of a final administrative decision before hearing;

11) the docket number assigned to the case;

12) the name and mailing address of the Administrative Law Judge and any other parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act, or other applicable statute; and

13) a statement of the action sought.

(Source: Amended at 42 Ill. Reg. 8197, effective June 1, 2018)