**Section 50.1230 Hearing Process for Parents or Other Relatives**

In accordance with 89 Ill. Adm. Code 14 and 89 Ill. Adm. Code 50.110(a), persons receiving a notice of intentional program violations or fraud of child care services can request hearings disputing the determination of the intentional violation or fraudulent action.

a) Notification of all sanction actions will be sent to the parent or other relative and the Division of Early Childhood by the Department or its agents. The notification will include a description of the violation and the statute or administrative rule that has been violated and the instructions for filing an appeal.

b) The request for an appeal must be filed with the Division of Early Childhood, its child care agents, or the DHS Bureau of Hearings within 60 days of the date on the notification that was mailed to the affected party. Appeal requests may be filed at https://abe.illinois.gov/abe/access/appeals.

c) The Bureau of Hearings will give reasonable notice to the parent or other relative and the Division of Early Childhood in writing that a hearing has been scheduled. This notice shall be provided at least 10 calendar days prior to the hearing.

d) The Department shall have the responsibility at the hearing to prove, by a preponderance of the evidence, that the parent or other relative committed an intentional program violation or fraud.

e) The hearing shall not be bound by common law or statutory rules of evidence, nor by technical or formal rules of procedure, but shall be conducted in a manner best calculated to conform to substantial justice (see 89 Ill. Adm. Code 14.23, Evidentiary Requirements).

f) A hearing will not be adjourned until the Hearing Officer has received all information agreed upon within the time the parent or other relative and the Department and/or its agents have agreed to provide it.

g) Following the hearing, a Final Administrative Decision will be made by the Secretary that either upholds or does not uphold the program violation and associated sanctions or determines that the Department lacks jurisdiction. A copy of the decision shall be mailed to the parent or relative and any representative.

h) A Final Administrative Decision is reviewable only through the Circuit Courts of the State of Illinois under the Administrative Review Law [735 ILCS 5/3-101].

i) After a Final Administrative Decision is released, no petition for rehearing or reconsideration is allowed. Neither the filing of any such motion, nor correspondence in the nature of such a motion, nor any response by the Department to such correspondence nor motion will delay the time for filing of a complaint in the Circuit Court.

j) The Division of Early Childhood's Bureau of Subsidy Management and the Program Integrity and Quality Assurance Unit will implement the Final Administrative Decision within 10 calendar days of receiving the notice.

k) Representation

1) Parents or other relatives may appear with or without representation at the Hearing.

2) If the parents or other relatives are represented by legal counsel or another authorized representative, the parent or relative need not be present at the hearing. The representative must have a written authorization signed by the parent or relative prior to any action taken on that person's behalf.

3) The action or inaction of an authorized representative shall be deemed to be an action or inaction of the parent or relative.

(Source: Added at 47 Ill. Reg. 110, effective December 20, 2022)