**Section 270.436 Continuances**

a) Procedure for Requesting a Continuance

1) Any party to a hearing may request to continue a hearing. Each request will be made part of the record.

2) Any request to continue a hearing is to be made to the Department/other entity under this Subpart at least 5 business days before the scheduled hearing date, except in unavoidable circumstances.

b) Contents of the Request

A request to continue is to state the specific reason the hearing date should be changed.

c) Standards for Granting a Request

1) A party's request for continuance may be granted for good cause, which includes:

A) Imminent danger to the public health, safety or welfare;

B) Unavoidable absence of an essential party;

C) A material change in the case that would otherwise prevent the proper preparation of a party's case or an answer; or

D) When failure to continue the hearing would be a hardship for a party.

2) Good cause generally excludes an attorney's or party's scheduling conflicts that arise after the hearing has been scheduled. It also excludes a need for time to complete discovery, unless an emergency or manifestly unjust condition (such as improper withholding of evidence) prevented completion of discovery before the originally scheduled hearing date.

d) Limitations on Continuances

1) In all cases, the parties, the Department, and the ALJ will avoid unduly delaying the proceedings with repetitious continuances.

2) When a continuance is justified, its length and scope will be no greater than what is reasonably necessary under the circumstances.

A) The parties should complete as much of the hearing as possible on the original scheduled hearing date.

B) The hearing will be rescheduled for the earliest reasonably practicable date.

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