**Section 337.80 What May Not Be Appealed**

The Administrator of the Administrative Hearings Unit will decide whether an issue is appropriate for fair hearing pursuant to Section 337.70. Issues inappropriate for a fair hearing include, but are not limited to:

a) When the sole issue is one of State or federal law regulating the automatic adjustment of services for classes of children and families;

b) When the Department has already made a final administrative decision on the issue as a result of a previous appeal;

c) When the issue is not a service issue as defined in 89 Ill. Adm. Code 302 (Services Delivered by the Department), 89 Ill. Adm. Code 304 (Access to and Eligibility for Child Welfare Services), 89 Ill. Adm. Code 315 (Permanency Planning), 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings), and 89 Ill. Adm. Code 359 (Authorized Child Care Payment). These issues are to be appealed through a different appeal and administrative hearing process, as identified in 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings);

d) When the issue involves a service that the child does not currently need, but may potentially be needed by the child at some future time;

e) When the issue regards only the Medical Assistance Program under Title XIX of the Social Security Act (42 USC 1396 et seq.). Appeal requests regarding Title XIX services should be sent to the Department of Healthcare and Family Services;

f) When a court has made a judicial determination or issued an order on the issue being appealed. However, a juvenile court determination that a current foster home placement is necessary and appropriate does not constitute a judicial determination on the merits of a service appeal, filed by a former foster parent, involving a change of placement decision.

(Source: Amended at 40 Ill. Reg. 13608, effective September 18, 2016)