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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
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36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2016 until January 3, 2017.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings
- 2) Code Citation: 89 III. Adm. Code 336
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
336.20	Amendment
336.30	Amendment
336.40	Repealed
336.50	Amendment
336.60	Amendment
336.80	Amendment
336.85	Amendment
336.90	Amendment
336.100	Repealed
336.105	New Section
336.110	Repealed
336.115	New Section
336.120	Amendment
336.130	Amendment
336.140	Amendment
336.150	Amendment
336.160	Amendment
336.170	Amendment
336.180	Amendment
336.190	Amendment
336.200	Amendment
336.210	Amendment
336.220	Amendment
- 4) Statutory Authority: 20 ILCS 505/5
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemakings codify into Rule:

The rights of alleged perpetrators who are identified as child care workers, including career entrants, and how they are entitled to an expedited appeal process, their rights if they were not afforded an administrator's teleconference during the investigation, that standard admonishments for the setting of hearing dates will be given at the pre-hearing

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conference and that the Department has the right to request documentation validating the perpetrator's status as a child care worker;

That the Department shall provide written notification of the final finding of a report to the perpetrator and provide instructions for requesting an appeal of an indicated final finding;

That the 60-day deadline for filing a request for an appeal hearing shall be tolled until after the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action concerning the circumstances that give rise to an "indicated" report;

Establishes a definition for a member of the clergy and amends several definitions in Section 336.20;

Establishes that a perpetrator has the right to a timely hearing in the Department;

That a child shall have the right to participate and be heard in an administrative (appeal) hearing through his/her attorney or GAL when i) the child is the victim named in the report that is the subject of the appeal hearing; ii) the child is the subject of a juvenile court proceeding under Article II of the Juvenile Court Act of 1987; and iii) the report was made while a GAL was appointed to represent the child in that proceeding; and

Numerous technical and grammatical changes throughout the amended sections, including an exchange of Sections 100 and 110 with one another and a restructuring of the reordered Section 100.

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
email: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

The full text of these Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 336

APPEAL OF CHILD ABUSE AND NEGLECT

INVESTIGATION FINDINGS

Section	
336.10	Purpose
336.20	Definitions
336.30	Written Notification of the Final Finding in Child Abuse and Neglect Investigations Notice of Department Decision
336.40	Notice of the Right to Appeal and Receive an Administrative Hearing (Repealed)
336.50	Who May Appeal
336.60	What May Be Appealed
336.70	Appearance/Authorization to Represent
336.80	How to Request an Administrative Appeal Hearing/Sufficiency
336.85	Expedited Administrative Appeals for Child Care Workers
336.90	Confidentiality During the Expungement Process
336.100	Rights and Responsibilities in Administrative Hearings (Repealed)
336.105	The Pre-Hearing Conference and the Administrative Appeal Hearing
336.110	The Administrative Hearing and Pre-Hearing Conference (Repealed)
336.115	Rights and Responsibilities in Administrative Appeal Hearings
336.120	The Administrative Law Judge
336.130	Consolidating and Severing Issues and Parties
336.140	Exchange of Information
336.150	Continuances
336.160	Attendance of Witnesses
336.170	Testimony by Telephone
336.180	Interpreters and Translation of Documents
336.190	Grounds for Dismissal
336.200	Abandonment of Appeal/Default
336.210	Record of an Administrative Hearing
336.220	Final Administrative Decision
336.230	Severability of This Part

AUTHORITY: Authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; implementing Section 7.16 of the Abused and Neglected Child Reporting Act [325 ILCS

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5/7.16].

SOURCE: Adopted at 17 Ill. Reg. 1026, effective January 15, 1993; amended at 19 Ill. Reg. 3465, effective March 1, 1995; emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10317, effective August 1, 1996; amended at 24 Ill. Reg. 7660, effective June 1, 2000; emergency amendment at 25 Ill. Reg. 3700, effective February 23, 2001, for a maximum of 150 days; emergency expired on July 22, 2001; amended at 26 Ill. Reg. 4175, effective March 8, 2002; peremptory amendment at 29 Ill. Reg. 21091, effective December 8, 2005; amended at 41 Ill. Reg. _____, effective _____.

Section 336.20 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent.
~~*"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent.*~~

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 [720 ILCS 5] or in the Wrongs to Children Act [720 ILCS 150], 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child;~~*or*~~

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inflicts excessive corporal punishment or, in the case of a person working for an agency who is prohibited from using corporal punishment, inflicts corporal punishment upon a child or adult resident with whom the person is working in his or her professional capacity; ~~or~~

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012~~1961~~, against the child. [325 ILCS 5/3]

causes to be sold, transferred, distributed or given to such child under 18 years of age a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570] or in violation of the Methamphetamine Control and Community Protection Act [720 ILCS 646], except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription; or

commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 2012 against the child.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. [325 ILCS 5/3]

"Administrative hearing", in the context of this Part, means a formal review of a final finding determination~~decision~~ made by the Division of Child Protection at the conclusion of a child abuse and neglect investigation~~a Department child protection investigator~~.

"Administrative Law Judge" or "ALJ" means a licensed attorney who is appointed by the Director of the Department and is responsible for conducting ~~the~~ administrative hearings~~hearing~~, including pre-hearings, and issuing a recommended decision.

"Adult resident" means any person between 18 and 22 years of age who resides in any facility licensed by the Department under the Child Care Act of 1969 [225 ILCS 10]. For the purpose of this Part, the definitions of "abused child" and

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"neglected child" include adult residents who meet the criteria set forth in those definitions.

"Agency" means a child care facility licensed under Section 2.05 or Section 2.06 of the Child Care Act of 1969 and includes a transitional living program that accepts children and adult residents for placement who are in the guardianship of the Department. [325 ILCS 5/3]

"Amend", as used in this Part, means changing the final finding determination of an allegation contained in an indicated report of child abuse or neglect or changing identifying information of regarding the subjects of an indicated report of child abuse or neglect report.

"Administrative appeal" or "appeal" Appeal process means the pre-hearing prehearing conference and formal administrative hearing.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Authorized representative" means a person, including an attorney, authorized in writing by a party to assist in an administrative appeal the appeals process. If the party is unable to reduce thesuch authorization to writing, the Department, on request, shall assist the party in doing so.

"Blatant disregard" means an incident where the real, significant and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. With respect to a person working at an agency in his or her professional capacity with a child or adult resident, "blatant disregared" includes a failure by the person to perform job responsibilities intended to protect the child's or adult resident's health, physical well-being, or welfare, and, when viewed in light of the surrounding circumstances, evidence exists that would cause a reasonable person to believe that the child was neglected. With respect to an agency, "blatant disregard" includes a failure to implement practices that ensure the health, physical well-being, or welfare of the children and adult residents residing in the facility. [325 ILCS 5/3]

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"Chief Administrative Law Judge" or "Chief ALJ" means the person who is responsible for the supervision of the Administrative Law Judges and the coordination of the administrative hearing appeal process.

"Child care worker" means any person who is employed to work~~works~~ directly with children and any person who is an owner/operator of a child care facility, regardless of whether the facility is licensed by the Department. "Child care worker" also means a person employed as a full-time nanny. Child care facilities, for purposes of this definition, includes child care institutions; child welfare agencies; day care/night care centers; day care/night care homes; day care/night care group day care homes; group homes; hospitals or health care facilities; schools (including school aides, bus drivers, school teachers and administrators within the school, but not tenured school teachers or administrators who have other disciplinary processes available to them); and before and after school programs, recreational programs and summer camps. A child care worker may, at his or her discretion, be subject to this Part if alleged to be responsible for child abuse or neglect outside of his or her employment. "Child care worker" includes a person: currently employed as a child care worker; currently enrolled in an academic program that leads to a position as a child care worker; or who has applied for a license required for a child care worker position. A person will be considered to be a child care worker under this Part if, at the time of the notice of the investigation, he or she: has applied, or will apply within 180 days, for a position as a child care worker; is enrolled in, or will commence within 180 days, an academic program that leads to a position as a child care worker; or has applied for a license as a child care worker.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services. [325 ILCS 5/31]

~~"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.~~

"Date of action" means the date on which any Department action becomes effective.

"Day", for purposes of computation of time, means business~~calendar~~ day, unless otherwise specified.

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"Department" means the Illinois Department of Children and Family Services.

"Department's legal representative" means an attorney who is licensed to practice law in the State of Illinois and~~the person~~ who is responsible for presenting the Department's case.

"Discovery," for purposes of this Part, means the rights of any party to request and have access to, in advance of the hearing~~pre-hearing~~, any documents relevant to the investigation and indicated finding and a list of witnesses in the possession of any other party.

"Expedited appeal" means an appeal that may be requested only by a child care worker who is the subject of a Department determination of indicated child abuse and/or neglect. Expedited appeals require that the Director issue a final administrative decision within 35 days after the date of receipt by the Department's Administrative Hearings Unit of a written request for an expedited appeal, excluding any continuances at the request of, or with the agreement of, the appellant. The 35-day time period excludes any time attributable to an appellant's request for a continuance or to any continuance or date set by the agreement of the parties. The appellant must specifically request an expedited appeal in writing at the time of the initial request for appeal filed with the Unit. Any request for an appeal that is received by the Unit that does not expressly request an expedited appeal will automatically be treated as a regular appeal.

"Expunge", as used in this Part, means removing identifying information regarding the subjects of an indicated child abuse or neglect report from the computer file of the State Central Register and from paper records kept by the Department.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case that, which affects the legal rights, duties or privileges of participants, and that terminates the proceedings on the specific appeal before the Department's Administrative Hearings Unit, and that may be further appealed to the circuit court under the Illinois Administrative Procedure Act~~which may be further appealed to the circuit court under the Administrative Review Law.~~

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"Indicated report" means any report made under the Abused and Neglected Child Reporting Act [325 ILCS 5] (ANCRA) of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists [325 ILCS 5/3].

~~"Individual legally acting on a person's behalf" means an individual who has been appointed by a court of competent jurisdiction to act on behalf of a person when the person is incompetent, incapacitated, or otherwise determined unable to represent himself or herself.~~

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs.

"Neglected child" means any child:

who is not receiving:

the proper or necessary nourishment or medically indicated treatment, including food or care ~~not provided~~denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians; ~~or otherwise is not receiving~~

the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being; (including where there is harm or substantial risk of harm to the child's health or welfare); or

other care necessary for his or her~~a child's~~ well-being, including adequate food, clothing and shelter; or

who is subjected to an environment which is injurious insofar as:

the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare; and

the likely harm to the child is the result of a blatant disregard of parent, caretaker, or agency responsibilities; or

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who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or

who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 [705 ILCS 405] and whose parent, guardian or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian or custodian can be made, and the parent, guardian or custodian has not made any other appropriate living arrangement for the child; or

who is a newborn infant whose blood, urine or meconium contains any amount of a controlled substance as defined in ~~subsection (f)~~ of Section 102(f) of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant.

A child shall not be considered neglected for the sole reason that:

the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time; or;

the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2].

A child shall not be considered neglected or abused for the sole reason that:

~~the such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of ANCRA; or the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for~~

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~~remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because~~

~~the child is not attending school in accordance with the requirements of Article 26 of the School Code [105 ILCS 5]. [325 ILCS 5/3]~~

"Parents" means the child's legal parents whose rights have not been terminated.

"Parties" means the Department and those persons who have appealed the final finding determination decisions made by the Department. No person may join in an appeal unless that person would have standing to appeal the determination decisions himself or herself.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect. [325 ILCS 5/3]

"Person responsible for the child's welfare" means:

~~the child's parent, guardian, foster parent or relative caregiver;~~

~~any person responsible for the child's welfare in, operator, supervisor, or employee of a public or private residential agency or institution;~~

~~any person responsible for the child's welfare within a, or public or private for-profit or not-for-profit child care facility; or~~

~~any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including:~~

~~any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in Section 10-9 of the Criminal Code of 2012; or ~~any~~ other person responsible for the child's welfare at the time of the alleged abuse or neglect, or~~

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any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]

"Preponderance of the evidence" means the greater weight of the evidence which renders a fact more likely than not.

"Regular appeal" means an appeal that may be requested by a perpetrator, including child care workers, in which the final administrative decision by the Director is issued within 90 days after the date of receipt by the Department's Administrative Hearings Unit of a written request for an appeal, excluding any requests for a continuance by the perpetrator or any continuances by the agreement of the parties.~~child-care worker or any other person for whom the Department has determined that an allegation of child abuse and/or neglect is indicated. Regular appeals require that the Director issue a final administrative decision within 90 days after receipt by the Department's Administrative Hearings Unit of a written request for the appeal. The 90 day time period excludes any time attributable to an appellant's request for a continuance or to any continuance or date set by the agreement of the parties. Any written request for an appeal that is received by the Unit that does not expressly request an expedited appeal will automatically be treated as a regular appeal.~~

"Request for an appeal" means the written request by an appellant for an administrative hearing to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or being maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act. If the appellant is unable to request an appeal in writing, the Department or purchase of service agency~~Agency~~ shall help the appellant put the request in writing.

"State Central Register" or "SCR" is the record of child abuse and/or neglect reports maintained by the Department pursuant to ANCRA. The State Central Register is also referred to as the Department's statewide toll-free child abuse and neglect hotline.~~means the specialized Department unit that receives and transmits reports of alleged child abuse and neglect.~~

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"Stipulation" means an agreement by the parties that certain facts are true ~~and~~ can be introduced into evidence without further proof.

"Subject of report" means any child or adult resident reported to the central register of child abuse and neglect established under Section 7.7 of ANCRA as an alleged victim of child abuse or neglect and the parent or guardian of the alleged victim or other person responsible for the alleged victim's welfare~~State Central Register, and his or her parent, personal guardian, or other person responsible for the child's welfare,~~ who is also named in the report or added to the report as an alleged perpetrator of child abuse or neglect. [325 ILCS 5/3]

~~"Timely written notice" means a notice which complies with the requirements of Section 336.80(b) of this part.~~

~~"Unfounded report" means any report made under ANCRA of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists. [325 ILCS 5/3]~~

~~"Unknown perpetrator" means a person who caused or is alleged to have caused child abuse or neglect and whose identity or identifying information has not been determined by the Department, who may have caused specific abuse or neglect, but has not been identified or made known to the authorities.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.30 Written Notification of the Final Finding in Child Abuse and Neglect Investigations~~Notice of Department Decision~~

- a) The State Central Register shall provide a written notification of the final finding determination~~disposition~~ of each child abuse and neglect investigation. The written notification that is sent to persons who are indicated for child abuse or neglect shall include, but not be limited to, the following: to mandated reporters who reported suspected child abuse or neglect as well as the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); the Cook County Public Guardian, Juvenile Division (Cook County Department wards only); and the alleged perpetrator. The notice shall provide the following information:

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- 1a) a specific statement that the person has been indicated for child abuse whether the Department has determined the report indicated or unfounded as a result of an investigation;
- 2b) the name of the perpetrator indicated for child abuse or neglect;
- 3e) the allegations determined to be indicated;
- 4d) the length of time the indicated finding shall be retained in the State Central Register; and by the Department;
- 5e) an explanation of how to request an administrative appeal of the Department's indicated finding and the address or facsimile number where the written request for an administrative appeal must be sent. The explanation shall specify that the request:
- A) must be in writing; and
 - B) must be postmarked within 60 days after the date of the official notification letter, except when the person indicated for child abuse or neglect has a case pending in any criminal or juvenile court concerning the same set of facts as the indicated final finding. a statement that a Department review of an indicated decision is available;
- b) The written notification of the final finding determination of the child abuse and neglect investigation shall be provided to the person indicated for child abuse and neglect within 10 days after the final determination to indicate has been entered into the State Central Register. The written notification of the final finding determination of the child abuse and neglect investigation shall be in the primary language of the person to whom the notice is sent.
- c) When requested, Department staff shall assist persons indicated for child abuse or neglect in preparing a written request for an administrative appeal. The Department shall not hinder a person who wishes to appeal an indicated finding determination of child abuse or neglect.
- f) a statement that, if a review of the Department's decision is desired, it must be requested in writing within 60 days after notification of the completion of the

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~~investigation by the Child Protective Service Unit, as determined by the date of the notifications sent by the Department; and~~

- g) ~~the name and address of the individual who must be contacted in order to request a review of the Department's decision.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.40 Notice of the Right to Appeal and Receive an Administrative Hearing
(Repealed)

- a) ~~The Department shall provide clear instructions on how to request and receive an administrative hearing. This explanation shall be provided within 10 days after the final determination has been entered into the State Central Register.~~
- b) ~~Language of Notices~~
~~All written notices used in this Part shall be in the primary language of the person to whom the notice is sent.~~
- e) ~~To begin the appeal process the subject shall request in writing that the Department review its decision. The request must be mailed or faxed to the address or fax number designated in the written notice within 60 days after notification of the completion of the investigation by the Child Protective Services Unit, as determined by the date of the notification sent by the Department.~~
- d) ~~Upon receipt of a timely request for an appeal, the Department shall send the appellant within 20 days after the receipt of the request a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.~~
- e) ~~When requested, Department staff shall assist the subjects of a child abuse or neglect report in preparing a written brief of appeal.~~
- f) ~~The Department shall not hinder an appellant who wishes to proceed with the appeal process.~~
- g) ~~Other Notices~~

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~~The following notices shall be hand-delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":~~

- ~~1) notice of pre-hearing conference and administrative hearing dates; and~~
- ~~2) notice of final administrative decision.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

Section 336.50 Who May Appeal

Any person who has been named as a perpetrator~~subject~~ in an indicated or unfounded report of child abuse or neglect has the right to appeal any of the actions or inactions listed in Section 336.60 of this Part. The appeal may be filed by:

- a) the appellant personally;~~or~~
- b) the appellant's authorized representative or attorney;~~or~~
- c) the parent or legal guardian who appeals on behalf of a child who has been named as a perpetrator in an indicated report; or
- de) an individual legally acting on a person's behalf. If the appeal is filed by an individual legally acting on a person's behalf, the individual must provide a certified copy of the court order authorizing the individual to act on behalf of the appellant.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.60 What May Be Appealed

The following issues may be appealed through an administrative~~the appeal~~-~~process~~:

- a) an indicated finding of child abuse or neglect;
- b) an indicated finding of child abuse or neglect, after the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action concerning the circumstances that gave rise to an indicated report. Except that there shall be no such right to a hearing on the ground of the report's inaccuracy if

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there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator;

- cb) failure to remove an unfounded report of child abuse or neglect from the State Central Register involving the death of a child, the sexual abuse of a child, or serious physical injury to a child after the passage of ~~3~~ years from the date the final finding is entered into the State Central Register, unless the report is being retained as an intentionally false report at the unfounded perpetrator's request;
- de) failure to remove an unfounded report made by a mandated ~~reporter~~ report involving a report as described in 89 Ill. Adm. Code 431.30(b)(5)(B) (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services) designated as a Priority One or Two in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect) after the passage of 12 months from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection ~~(c)(b)~~ of this Section or the report is being retained as an intentionally false report at the unfounded perpetrator's request;
- ed) failure to remove an unfounded report made by a mandated reporter involving a report as described in 89 Ill. Adm. Code 431.30(b)(5)(B) designated as a Priority Three in Appendix B of 89 Ill. Adm. Code 300 after passage of 60 days from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection ~~(c)(b)~~ or ~~(d)(e)~~ of this Section or the report is being retained as an intentionally false report at the unfounded perpetrator's request;
- fe) failure to remove any other unfounded report, not retained for a longer period of time under any of the preceding subsections, within 30 days from the date the final finding is entered into the State Central Register, unless the report is being retained as an intentionally false report at the unfounded perpetrator's request;
- gf) failure to expunge or remove information about an indicated report of child abuse or neglect that the appellant believes is maintained in a manner inconsistent with ANCRA ~~the Abused and Neglected Child Reporting Act~~; and
- hg) whether the Department determined retention period assigned to the indicated

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report is in accordance with 89 Ill. Adm. Code 431-~~(Confidentiality of Personal Information of Persons Served by DCFS)~~.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.80 How to Request an Administrative Appeals Hearing/Sufficiency

After the Department has indicated a report and issued a notice of the final finding determination and the right to an administrative hearing, the perpetrator named in the notification a subject of a report may appeal by filing a timely and sufficient written Request for Appeal with the ~~the~~ offices of the Administrative Hearings Unit (AHU). The request must be mailed, faxed or delivered by a third-party commercial carrier to the AHU address or fax number within 60 days after the notification sent by the State Central Register. Upon receipt of a timely request for a regular appeal, the Department shall send the appellant, prior to the scheduled pre-hearing, a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431.

- a) For purposes of determining timeliness, an appeal shall be deemed filed:
 - 1) as of the date of the postmark; ~~or~~
 - 2) as of the date of receipt by the AHU Administrative Hearings Unit, if the appeal was filed in person at the AHU ~~office of Administrative Hearings Unit~~; or
 - 3) the date the appeal was received by electronic facsimile transmission at the AHU Administrative Hearings Unit office.
- b) When the last day for the filing of an appeal falls upon a day on which the AHU Administrative Hearings Unit is not open for business, an appeal shall be deemed timely if filed by the first regular business day thereafter.
- c) An appeal shall be deemed sufficient if it provides the following information in legible form:
 - 1) name, address and phone number (if any) of the appellant and the SCR State Central Register number; and
 - 2) name, address and phone number of the appellant's representative (if

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applicable).

- d) In the event that the Chief Administrative Law Judge finds an appeal to be timely but not sufficient (see ~~subsections (c)(1) and (2) above~~), the appeal and a request for the required missing information shall be returned to the appellant within ~~5~~ five days after receipt by the ~~AHU Administrative Hearings Unit~~. If the appellant re-files a sufficient appeal within ~~5~~ five days from the postmark of the date that appeal is returned, the appeal shall be considered timely. The ~~AHU Administrative Hearings Unit~~ shall not consider an appeal actionable, and no time frames shall begin to run, until receipt of a sufficient appeal. If the appeal does not have a legible name or address, the Chief ~~ALJ Administrative Law Judge~~ may dismiss the appeal.
- e) *The 60-day deadline for filing a request to amend the record or remove the record of the report from the State Central Register shall be tolled until after the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action concerning the circumstances that give rise to an indicated report. [325 ILCS 5/7.16]*
- f) *If the appellant requests an expedited hearing, and the Chief ALJ is unable to determine if the appellant is a child care worker, the Chief ALJ shall request that the appellant provide documentation to validate his or her child care worker status as soon as is practicable, but not later than 5 days. Any documentation requested should be provided by the appellant within 10 days after the request. If no such documentation is provided, the appeal will be deemed nonexpedited and scheduled accordingly. If the appellant makes a timely submission of the requested documentation, the Chief ALJ shall rule on the child care worker's status as promptly as possible, but no later than 5 days after receiving the appellant's documentation. Any time expended for the request, review and determination by the Chief ALJ as to the appellant's status as a child care worker shall not be attributed to the Department.*
- ge) Appellants unable to file a written request for an appeal may request and receive appropriate assistance from Department field office staff to ensure that a proper written request for an appeal is made.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.85 Expedited Administrative Appeals for Child Care Workers

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- a) Child care workers who are the subject of a Department finding that an allegation of child abuse and/or neglect is indicated may request from the Department's Administrative Hearings Unit an expedited appeal. The written request for an appeal must specifically state that an expedited appeal is being requested. The Department may request that an appellant requesting an expedited appeal provide documentation to confirm his or her status as a child care worker. Any time expended for the request, review and determination by the Chief ALJ as to the appellant's status as a child care worker shall not be attributed to the Department.
- b) Within ~~7seven~~ calendar days after ~~AHU'sthe Unit's~~ receipt of the request for an expedited appeal, the Department will set pre-hearing and hearing dates and send the appellant and his or her representative a notice by certified mail of the dates, along with a copy of the investigative file.
- c) The pre-hearing date will be set within 14 calendar days after receipt of the request for expedited appeal. The parties should be prepared to have the Department issue any subpoenas after the conclusion of the pre-hearing conference.
- d) The hearing date will be set within ~~7seven~~ calendar days after the pre-hearing conference and within 21 calendar days after receipt of the request for expedited appeal. The Department will set aside ~~2two~~ consecutive days for the administrative hearing.
- e) If the appellant in an expedited appeal requests any extension of time that is in excess of 7 calendar days, the appeal shall automatically be converted from an expedited appeal to a regular appeal under Section 336.80.
- f) The ~~ALJAdministrative Law Judge~~ will provide the Director with a recommended decision within ~~7seven~~ calendar days ~~or five working days~~ after completion of the expedited appeal hearing.
- g) The Director will issue a final administrative decision within ~~7seven~~ calendar days after receipt of the ~~ALJ'sAdministrative Law Judge's~~ recommended decision and the Director's decision will be sent to the appellant and his or her representative by certified mail within 35 calendar days after the date on which the expedited appeal request was received.

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.90 Confidentiality During the Expungement Process

- a) The Department has an affirmative duty to protect the confidentiality of personal information, in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services) and the Adoption Assistance and Child Welfare Act of 1980 (42 USC 671(a)(8)). Confidentiality shall be preserved throughout the administrative hearing, the transmittal of the ALJ's Administrative Law Judge's recommendation to the Director and the release of the final administrative decision. All parties shall be advised of the Department's duty to protect confidentiality during the administrative appeal.
- b) The ALJ Administrative Law Judge has the right to exclude any individual or agency that who does not have the right of access to the information being presented in accordance with the federal Adoption Assistance and Child Welfare Act of 1980, the Children and Family Services Act, ANCRA the Abused and Neglected Child Reporting Act, and any other pertinent Act.
- c) The ALJ Administrative Law Judge has the authority to bifurcate the hearing into separate segments that which deal with issues of other parties in order to preserve confidentiality as mandated under applicable statutes and rules and to prohibit discussion or introduction of evidence that is outside of the scope of the issues being presented in that segment.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.100 Rights and Responsibilities in Administrative Hearings (Repealed)

- a) ~~An appellant may bring an Authorized Representative to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.~~
- b) ~~At the appellant's request, the Department shall arrange for an interpreter at no cost to the appellant if English is not the appellant's primary language or shall provide a sign interpreter or other assistance for communication if the appellant is hearing impaired.~~
- e) ~~During the administrative hearing, the appellant and the Department have the~~

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right to:

- 1) ~~present and question witnesses;~~
 - 2) ~~present any information relevant to the issues;~~
 - 3) ~~question or disprove any information, including an opportunity to question opposing witnesses; and~~
 - 4) ~~dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.~~
- d) ~~Before and during the administrative hearing:~~
- 1) ~~the appellant may withdraw the appeal; and~~
 - 2) ~~the Department may expunge the indicated finding or amend the indicated finding to delete any information which identifies the appellant as a perpetrator.~~
- e) ~~In an administrative hearing concerning child abuse or neglect reports:~~
- 1) ~~the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record; and~~
 - 2) ~~the Department must prove that a preponderance of the evidence supports the indicated finding, or that the record of the report is being maintained in a manner consistent with the Abuse and Neglected Child Reporting Act and in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).~~
- f) ~~Hearings shall be recorded on audiotapes. However, any party wishing to have the proceedings recorded by a certified court reporter may do so at the party's own expense.~~
- g) ~~The Department has an obligation to present evidence which creates a full and complete record, subject to Department rules and statutes on confidentiality.~~
- h) ~~At any time prior to the commencement of the administrative hearing, the~~

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~~Department representative may add or amend the allegations which support the indicated finding against the appellant. The Department representative must notify the appellant and the Administrative Hearings Unit, in writing, of the new or amended allegation and provide the appellant with a concise statement of the facts that form the basis for the new or amended allegation. If the Department representative adds or amends an allegation after the pre-hearing conference, but prior to the commencement of the administrative hearing, the appellant, upon request, shall be entitled to a continuance for a reasonable period of time. This continuance shall not be attributed to the appellant.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

Section 336.105 The Pre-Hearing Conference and the Administrative Appeal Hearing

- a) The Chief ALJ shall:
- 1) Upon notification from the Department's legal representative or the perpetrator that a criminal or juvenile court action is pending, based on the same facts or circumstances as the administrative expungement appeal, the appeal will be dismissed as premature. The dismissal order shall state that the perpetrator may file an administrative appeal within 60 days after the conclusion of the criminal court action in circuit court or after adjudication in any juvenile court action, except that there shall be no right to an administrative appeal if there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator;
 - 2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties;
 - 3) provide a written notice to the parties, within 10 days from the receipt of a sufficient request for an administrative hearing, that contains the following information:
 - A) the date and time of the pre-hearing conference;
 - B) the reasons that may be deemed an abandonment of the request for a hearing, thus constituting a waiver of the right to a hearing;

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- C) a citation to the ANCRA provision that grants the Department the legal authority and jurisdiction to hold this hearing;
 - D) a reference to the particular Sections of the statutes and administrative rules involved;
 - E) the allegations that were indicated;
 - F) the consequences of the appellant's failure to participate at the pre-hearing conference;
 - G) the docket number assigned to this case;
 - H) the name and contact information of the ALJ and all parties; and
 - I) a statement of the parties' rights during the administrative hearing.
- b) Pre-Hearing Conference
The pre-hearing conference shall be convened by telephone unless the ALJ and the parties agree that the pre-hearing conference shall be held in person. The ALJ shall place all telephone calls. The cost of telephone calls will be borne by the Department. The AHU shall arrange for the appellant to use a telephone at a Department Field Office if the appellant has previously notified the Department that he/she does not have access to a telephone.
- c) The ALJ shall address the following issues during the pre-hearing conference:
- 1) If the appellant asserts, at the pre-hearing conference, that he or she is a child care worker who was not afforded an Administrator's Teleconference during the child abuse and neglect investigation (see 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect)), the appellant may request a review of the investigation. The ALJ may request documentation to validate the child care worker status of the appellant. The review shall be conducted jointly by the Division of Child Protection and the Office of Legal Services and shall determine if the case should be unfounded or if a hearing date will be set. The review must be conducted within 14 days from the date of the pre-hearing conference in which the appellant claims he or she is a child care worker who was not afforded an Administrator's Teleconference during the child abuse and neglect determination. Any

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time expended for the review process will be attributed to the appellant and not to the Department.

- 2) Whether parties have exchanged lists of the names of persons who may provide testimony during the administrative hearing.
- 3) Whether children may testify or be involved in the hearing.
 - A) Either party requesting that a child be subpoenaed to testify or be involved in the hearing process must demonstrate at the pre-hearing conference that:
 - i) the child's testimony or involvement is essential to a determination of an issue on appeal;
 - ii) the likelihood of inflicting emotional harm to the particular child involved can be minimized with conditions and restrictions and the child's testimony is necessary for the interests of justice; and
 - iii) no alternatives, such as stipulations or transcripts from prior court hearings, exist that may be used as a substitute for the child's testimony.
 - B) In determining whether a child will testify, the ALJ must consider, when available, the opinion of the child's treating clinician regarding the impact on the child if the child is permitted to testify or not permitted to testify, and how any negative impact could best be minimized for the particular child.
 - i) The ALJ must balance the hardship on the child, taking into account possible restrictions or modifications described in subsection (c)(3)(B)(ii), against the interests of justice and the harm to the child if an appeal is improperly denied or an indicated finding is improperly expunged.
 - ii) If an ALJ allows a child to testify, the ALJ may set any conditions or restrictions, and may use any techniques allowed in any juvenile, civil or criminal court (including

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but not limited to in camera interviews, video conferences, questions submitted in writing, exclusion of parties to the proceedings (including but not limited to the parents), or change of hearing room or location) that will help minimize any emotional impact on the child.

- 4) Whether:
 - A) the parties agree to hold the hearing by telephone or video conference;
 - B) witnesses should be scheduled to testify at specific times;
 - C) there are any witnesses, such as medical professionals, that should be permitted to testify telephonically; and
 - D) there are any non-professional witnesses who should be allowed to testify telephonically.
- 5) Whether the parties have or will have exchanged records or documents prior to the administrative hearing.
- 6) Whether the parties can agree upon any facts as true.
- 7) Motions Filed by any Party
 - A) Any motions from the appellant or the Department shall be filed with the ALJ and served upon the AHU and the opposing party within a reasonable time prior to the hearing.
 - B) Any motion that is consistent with administrative practice and procedure and does not infringe upon the Director's authority may be heard.
 - C) Motions filed shall be filed in accordance with any motion practice and timelines established by the ALJ responsible for hearing the case.

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- D) If any party believes that a finding in a juvenile court proceeding is dispositive to an issue on a pending administrative appeal, he or she may file a motion with supporting documentation requesting the appropriate relief.
- 8) The need of either party for an interpreter in his/her preferred language or for communication assistance.
- 9) Whether any juvenile or criminal cases related to the indicated finding on appeal are pending in circuit court. If the ALJ discovers during the pre-hearing conference that there is a pending juvenile or criminal case arising from the same set of facts as the indicated finding, the appeal will be dismissed as premature. The perpetrator shall be informed orally that, within 60 days after the conclusion of any criminal court action in the circuit court, or after adjudication in any juvenile court action concerning the circumstances that give rise to an indicated report, he or she may again file a request, except that there shall be no such right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator. The dismissal order shall also state that the perpetrator may file an administrative appeal within 60 days after the conclusion of the criminal court action in circuit court or after adjudication in any juvenile court action, except that there shall be no right to an administrative appeal if there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 336.110 The Administrative Hearing and Pre-Hearing Conference (Repealed)

- a) ~~The Chief Administrative Law Judge shall:~~
- 1) ~~Upon notification from the Department's representative that a criminal or juvenile court action is pending based on the same facts as the administrative expungement appeal, issue a stay of the appeal process for all appellants named as defendants or respondents until a final judicial decision has been made. The time period, from the filing of the criminal charges or the juvenile petition, shall not be considered a delay on the part of the Department in issuing and implementing its final administrative~~

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decision.

- A) ~~If the circuit court makes a final decision favorable to the appellant, the appellant shall notify the Administrative Hearings Unit in writing that a final order has been entered in the criminal or juvenile case and the Administrative Hearings Unit shall schedule a hearing on the appeal. The appellant shall notify the Administrative Hearings Unit within 45 days after any such decision. If the appellant fails to notify the Administrative Hearings Unit of these findings of fact within 45 days, the appellant shall not be entitled to a hearing under this Part.~~
 - B) ~~If the circuit court makes a finding that the alleged perpetrator abused or neglected a child, the Chief Administrative Law Judge or an Administrative Law Judge shall enter an order upholding each indicated finding based on the same facts as the court finding of abuse or neglect and the alleged perpetrator shall not be entitled to a hearing on those indicated findings. If, after entering such an order, there are no remaining indicated findings of abuse or neglect, the Chief Administrative Law Judge or an Administrative Law Judge shall dismiss the appeal.~~
 - C) ~~The Administrative Hearings Unit may schedule status hearings to determine the status of any appeal stayed because of circuit court action;~~
- 2) ~~in the absence of a pending criminal or juvenile court action or an agreement of the parties, schedule a pre-hearing conference at least 15 days before the first hearing date and a hearing at a date within 70 calendar days after the date of receipt of the appellant's request for an administrative hearing;~~
 - 3) ~~ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties;~~
 - 4) ~~provide a written notice to the parties within 10 calendar days after the receipt of a sufficient request for an administrative hearing, which shall contain the following information:~~

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- A) ~~the date and time of the pre-hearing conference;~~
 - B) ~~the date, time, place and nature of the hearing;~~
 - C) ~~the reasons which may be deemed an abandonment of the request for a hearing, thus constituting a waiver of the right to a hearing;~~
 - D) ~~a citation to the provision in the Abused and Neglected Child Reporting Act which grants the Department of Children and Family Services the legal authority and jurisdiction to hold this hearing;~~
 - E) ~~a reference to the particular Sections of the statutes and administrative rules involved;~~
 - F) ~~the allegations that were indicated;~~
 - G) ~~the consequences of the appellant's failure to appear at the pre-hearing conference;~~
 - H) ~~the docket number assigned to this case;~~
 - I) ~~the name and mailing address of the Administrative Law Judge and all parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act; and~~
 - J) ~~a statement of the parties' rights during the administrative hearing.~~
- b) ~~The Administrative Law Judge shall address the following issues during the pre-hearing conference:~~
- 1) ~~Whether parties have exchanged lists of the persons who will provide testimony during the administrative hearing.~~
 - 2) ~~Whether children under 14 years of age may testify or be involved in the hearing.~~
- A) ~~Either party requesting that a child under 14 years of age be~~

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~~subpoenaed to testify or be involved in the hearing process must demonstrate at the pre-hearing conference that:~~

- ~~i) the child's testimony or involvement is essential to a determination of an issue on appeal; and~~
- ~~ii) there is no likelihood of inflicting emotional harm to the particular child involved; and~~
- ~~iii) no alternatives, such as stipulations or transcripts from prior court hearings, exist which may be used as a substitute for the child's testimony.~~

~~B) If an Administrative Law Judge allows a child to testify, the Administrative Law Judge may set any conditions or restrictions, and may use any techniques allowed in any juvenile, civil or criminal court (including but not limited to in camera interviews, questions submitted in writing, exclusion of parties to the proceedings, including but not limited to the parents, or change of hearing room or location) that will help minimize any emotional impact on the child.~~

~~3) Whether witnesses should be scheduled to testify at specific times.~~

~~4) Whether the parties have or will have exchanged records or documents prior to the administrative hearing.~~

~~5) Whether the parties can agree upon any facts as true.~~

~~6) Motions filed by any party.~~

~~A) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar days before the pre-hearing.~~

~~B) Copies of the motion shall be served upon the Administrative Law Judge, the Administrative Hearings Unit, and the opposing party at least 10 days before the date set for pre-hearing.~~

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- ~~6) Any motion that is consistent with administrative practice and procedure and does not infringe upon the Director's authority may be heard.~~
- ~~7) The need for an interpreter for a party whose primary language is not English or who requires communication assistance.~~
- ~~8) Whether any juvenile or criminal cases related to the indicated finding on appeal are pending in circuit court.~~
- e) ~~The pre-hearing conference shall be convened by telephone unless the Administrative Law Judge and the parties agree that the pre-hearing conference shall be held in person. The Administrative Law Judge shall place all telephone calls. The cost of telephone calls shall be borne by the Department. The Administrative Hearings Unit shall arrange for the appellant to use a telephone at a Department Field Office if the appellant has previously notified the Department that he/she does not have access to a telephone.~~
- d) ~~The Administrative Law Judge may order the parties to attend the pre-hearing conference in person without the consent of all parties. If the Administrative Law Judge orders personal attendance, the Administrative Law Judge shall:~~
- ~~1) give written notice to the parties of the date, time and place of the pre-hearing conference; and~~
 - ~~2) hold the pre-hearing conference at a place and time convenient for the parties.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

Section 336.115 Rights and Responsibilities in Administrative Appeal Hearings

- a) The Administrative Appeal Process
- 1) The administrative appeal hearing shall consist of a pre-hearing conference and an actual hearing date during which testimony is taken and evidence is received. The appellant or the appellant's authorized representative shall be prepared to participate at all pre-hearing conferences and hearing dates.

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- 2) At the pre-hearing conference, the ALJ shall provide the parties with standard admonishments that shall include a statement of the rights of the parties and the right to have a timely hearing within the applicable timeframe, as well as the setting of dates for the administrative appeal hearing.
- 3) During the pre-hearing conference, the appellant and the Department should be prepared to discuss:
 - A) potential witnesses;
 - B) exhibits that might be offered;
 - C) time frames for the administrative appeal hearing;
 - D) any potential motions that could be filed; and
 - E) any other issues that would impact the timing and length of the administrative appeal hearing, such as, but not limited to, whether any of the witnesses require a special accommodation or a translator.
- 4) Hearings shall be recorded. However, any party wishing to have the proceedings recorded by a certified court reporter may do so at the party's own expense.

AGENCY NOTE: The Department's legal representative and the appellant and his or her representative have an affirmative duty to determine if there is, and to report to the ALJ before any hearing is scheduled, any pending criminal case or juvenile court case concerning the circumstances that gave rise to the indicated report.

b) Rights of the Minor

- 1) If the minor, who is the victim named in the report sought to be amended or removed from the State Central Register, is the subject of a pending action under Article II of the Juvenile Court Act of 1987, or the report was made while a guardian ad litem (GAL) and/or attorney was appointed

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for the minor under Section 2-17 of the Juvenile Court Act of 1987, then the minor shall, through the minor's attorney or GAL appointed under Section 2-17 of the Juvenile Court Act of 1987, have the right to participate and be heard in such hearing. [325 ILCS 5/7.16]

- 2) The minor and the minor's attorney and/or GAL has the right to participate and be heard during the administrative appeal. "Participate" means that the attorney/GAL may submit an offer of proof regarding testimony and documentary evidence not presented by the parties and may ensure that proper protections are in place for clients who are called to testify during the hearing. "Be heard" means the attorney/GAL may submit a closing argument or position statement. The minor's attorney/GAL may request a continuance only on the basis that notice, as required by Section 336.105(a)(3), was not provided. The minor's attorney/GAL does not thereby become a party to the proceeding or have standing or intervenor status in the administrative appeal proceeding, and shall not have the right to request a continuance or to present, question or cross-examine witnesses.
- 3) Once it is identified that the subject matter of the hearing concerns a minor being represented by a GAL/attorney, the Department shall notify the GAL/attorney, as provided in Section 105(a)(3), and shall provide the GAL/attorney a copy of the "Intent to Participate" form. The GAL/attorney shall file the completed form within 5 days after receipt. Filing the form shall ensure the GAL/attorney is notified of all dates regarding the hearing.

c) Rights of the Parties

- 1) During the administrative hearing, the appellant and the Department have the right to:
 - A) present and question witnesses;
 - B) present any information relevant to the issues;
 - C) question or cross-examine witnesses, including an opportunity to question opposing witnesses, and dispute any information; and

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- D) present stipulations to facts or issues.
- 2) An appellant may bring an authorized representative to the hearing. All expenses of an authorized representative or of an appellant's witnesses shall be paid by the appellant.
- 3) Before and during the administrative hearing:
- A) the appellant may withdraw the appeal;
- B) the Department may expunge the indicated finding; or
- C) the Department may amend the indicated finding to remove any information that identifies the appellant as the perpetrator of child abuse or neglect.
- 4) At any time prior to the commencement of the administrative hearing, the Department's legal representative may add or amend the allegations that support the indicated finding against the appellant. The Department's legal representative must notify the appellant and the AHU, in writing, of the new or amended allegation and provide the appellant with a concise statement of the facts that form the basis for the new or amended allegation. If the Department's legal representative adds or amends an allegation after the pre-hearing conference, but prior to the commencement of the administrative hearing, the appellant, upon request, may be entitled to a continuance for a reasonable period of time. This continuance shall not be attributed to the appellant.
- d) The Responsibility of the Department
- 1) At any time subsequent to the filing of an appeal, when the Department attorney determines that the appeal involves a minor who is the subject of a pending action under Article II of the Juvenile Court Act, he or she shall notify the minor's GAL/attorney as soon as is practicable, but not later than 7 days prior to the first hearing date.
- 2) In an administrative hearing:

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- A) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record; and
- B) the Department must prove that a preponderance of the evidence supports the indicated finding, or that the record of the report is being maintained in a manner consistent with ANCRA and in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).
- 3) The Department has an obligation to present evidence that creates a full and complete record, subject to Department rules and statutes on confidentiality.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 336.120 The Administrative Law Judge

- a) Appointment of the ALJAdministrative Law Judge
The Chief ALJAdministrative Law Judge shall select a trained, impartial ALJAdministrative Law Judge from the available pool to conduct the appeal hearing. The ALJAdministrative Law Judge shall:
- 1) be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
 - 3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision-maker on the issue; and
 - 4) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) Functions of the ALJAdministrative Law Judge
The ALJAdministrative Law Judge shall have all authority allowed under the

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Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:

- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct pre-hearing telephone conferences between the parties or their authorized representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;
- 5) have the authority to recommend changes in the child abuse and neglect report in the State Central Register;
- 6) take necessary steps to develop a full and fair record that contains all relevant facts;
- 7) administer an oath or an affirmation to all witnesses;
- 8) quash or modify subpoenas for good cause, including but not limited to relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 9) allow into evidence all inculpatory and exculpatory evidence helpful in determining whether an indicatedalleged perpetrator abused or neglected a child, including oral and written reports; and the investigative file, thatwhich the ALJAdministrative Law Judge and the Director may rely upon to the extent of its probative value, even though not competent under the civil rules of evidence;
- 10) allow into evidence previous statements made by the child relating to abuse or neglect as hearsay exceptions;
- 11) preserve all documents and evidence for the record;

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- 12) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 13) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or conduct, ~~that~~which disrupts the hearing;
- 14) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to additional testimony, documents, exhibits, briefs, memoranda of law or post hearing briefs; ~~and~~
- 15) present a written opinion and recommendation to the Director ~~within 15 calendar days~~ after the record of the administrative hearing is completed or transcript is received, whichever is later. The written opinion and recommendation~~This report~~ shall include a recommended decision on whether there is a preponderance of evidence of abuse or neglect based on information in the administrative record. The opinion shall contain findings of fact, summary of testimony and evidence, conclusions of law and a recommendation; ~~and~~
- 16) the written opinion and recommendation must also include the basis for excluding any evidence or disallowing a physician or other professional from testifying by telephone pursuant to Section 336.170 (Testimony by Telephone).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.130 Consolidation and Severing Issues and Parties

- a) When common issues of fact or law are raised in more than one appeal, the Chief ALJ Administrative Law Judge may consolidate the appeals into a single group hearing. Individuals shall be permitted to present their own cases separately. Nothing in this Section shall override confidentiality considerations.
- b) The Chief ALJ Administrative Law Judge may also combine all appeals and issues involving a single appellant, whether arising under this Part or any other Part, into one hearing.

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- c) The Chief ~~ALJ Administrative Law Judge~~, if required for the fair and efficient administration of the administrative appeal hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the consolidated hearing. The party or issue severed from the consolidated hearing shall be heard separately.
- d) The Chief ~~ALJ Administrative Law Judge~~ shall decide the order in which to hear any appeal or issue ~~that~~which has been severed.
- e) The Chief ~~ALJ Administrative Law Judge~~ may delegate any decision under this ~~Section~~section to any ~~ALJ Administrative Law Judge~~ who has been assigned to hear one or more of the appeals.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.140 Exchange of Information

- a) All requests for information must be in writing and sent to the party from whom the information is sought ~~at least 10 days~~ in advance of the pre-hearing conference. Any requests for information from a party must be served on the party and on the AHU~~The requestor must send a copy of the request to the Administrative Hearings Unit.~~ A party, without leave of the ~~ALJ Administrative Law Judge~~, may request from any other party:
 - 1) a list of witnesses to be called at the hearing; and
 - 2) copies of all documents that a party intends to present to the Administrative Law Judge at the hearing. The Department does not need to send a copy of the investigative file to the appellant when the Department has previously sent a copy of the investigative file to the appellant pursuant to Section ~~336.80336.40(d)~~.
- b) ~~A party may not request this information until the first hearing date has been set.~~ All requests for information shall be served on all other parties or their authorized representative. Copies of all requests for information shall be filed with the ~~AHU Administrative Hearings Unit~~. All requests for information shall be answered within 10 ~~calendar~~ days after receipt unless, upon good cause shown, leave is sought for additional time to answer.

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- c) A party may exercise any rights to access any Department record relevant to the investigation and indicated finding under 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).
- d) No discovery, described in Supreme Court Rule 201 et seq., shall be permitted prior to a hearing except by permission of the ALJ Administrative Law Judge, when good cause is shown.
- e) Hearings shall not be delayed to permit the exchange of information unless timeliness and due diligence is shown by the party seeking the information.
- f) If a party fails to answer a request for information, the ALJ Administrative Law Judge may enter any just and appropriate order to advance the disposition of the matter, including but not limited to:
- 1) a continuance of any hearing until the request for information is answered. The ALJ shall make a determination of against which party the time for the continuance should be charged; stay any further proceeding until the request for information is answered;
 - 2) prohibit~~bar~~ the testimony of any witness not disclosed in the answer to the request for information;~~or~~
 - 3) prohibit the introduction of ~~or any testimony concerning~~, any document or evidence not disclosed in an answer to the request for information;~~or~~
 - 4) in determining whether to prohibit a witness from testifying or prohibit the introduction of evidence, the ALJ shall consider the need to develop a full and accurate record, including the reasons why a witness or document was not disclosed, and the interests of justice. The ALJ shall entertain an offer of proof that will be made part of the record.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.150 Continuances

- a) No continuance of a scheduled ~~hearing or~~ pre-hearing conference or hearing shall

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be granted by the ALJ ~~Administrative Law Judge~~ to any party except for good cause shown.

- 1) Good cause includes, but is not limited to:
 - A1) sickness or death in the immediate family of the appellant, the Department's legal ~~Department~~ representative or the authorized representative of the appellant;
 - B2) court or administrative hearing dates scheduled prior to the issuance of the notice of hearing; and
 - C3) the unavailability of a witness due to unforeseen and unavoidable circumstances.
- 4) A continuance for good cause shall not be considered delay on the part of any party.
- b) No request for a continuance shall be granted without notice to the all parties, including, but not limited to, the Department's legal representative and a minor's attorney/GAL. Only the parties shall have and an opportunity to object on the record. All requests/motions for continuances/continuance shall be disposed of by written order. All requests for continuances shall be addressed by the ALJ in a timely manner.
- c) If a continuance is requested or agreed to by an appellant, the time period between the request for continuance and the continued hearing date shall not be considered a delay on the part of the Department in issuing and implementing its final administrative decision.
- d) If a continuance is requested due to the lack of a certified court reporter or interpreter, the party seeking a continuance must demonstrate due diligence in seeking that service for the hearing date.
- e) Notices of a continued hearing date need not include any restatement of the rights of the parties.
- f) If a hearing is commenced and needs to be continued to another date, the time period between the commenced hearing date and the continued hearing date shall

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be tolled.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.160 Attendance of Witnesses

The appellant and the Department's legal representative may subpoena any witness identified on the witness list and any witness discussed at the pre-hearing conference, pursuant to Section 336.140, by requesting that the Chief ALJ request a subpoena within the timeframe ordered by the ALJ. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.

- a) ~~An appellant may require any child protective investigator who was part of the investigation being appealed to attend the hearing by writing to the Department representative no earlier than receipt of the notice of hearing and no later than 14 days before the hearing and requesting that the investigator, who must be identified by name, attend the hearing.~~
- b) ~~The appellant may subpoena any other witness, no earlier than receipt of the notice of hearing and no later than 14 days before the hearing, by requesting that the Chief Administrative Law Judge issue a subpoena to compel the attendance of the witness. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.170 Testimony by Telephone

- a) For good cause shown, the ALJ may, on the ALJ's own motion or the motion of any party, allow a witness to testify at the administrative hearing by telephone.
- b) It is presumed that physicians and other professionals, in their professional capacity, shall be permitted to testify by telephone, unless good cause is shown as to why in-person testimony is necessary. For the purposes of this Part, "professionals" shall include, but not be limited to, medical personnel, school employees, social service and mental health staff, law enforcement personnel, and child care workers. If in-person testimony is necessary, the opinion and recommendation of the ALJ shall set forth that testimony by telephone was disallowed and provide the basis for the decision.~~For good cause shown, the~~

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~~Administrative Law Judge may, on the judge's own motion or the motion of any party, allow a witness to testify at the administrative hearing by telephone.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.180 Interpreters and Translation of Documents

- a) A party whose ~~primary~~ language of preference is not English, or who will require~~requires~~ communication assistance, shall declare his or her language of preference to the ALJ or the Department's legal representative at the pre-hearing conference or at the earliest opportunity~~may request an interpreter~~. The Department shall provide an interpreter at no cost to the party. ~~Unless the interpreter has been requested at least 14 calendar days before the prehearing conference or hearing, the time between the request for the interpreter and any continued hearing date occasioned by that request shall not be construed as delay on the part of the Department in issuing and implementing its decision.~~
- b) At the time of the pre-hearing conference, if the ALJ determines that translation of documents is necessary to the conducting of a full and fair hearing, an order shall be entered directing the Department to translate the relevant documents. All due diligence shall be applied to the Department's translation of relevant documents. A request for translation of documents shall not be considered a delay on the part of the Department or the appellant.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.190 Grounds for Dismissal

a) ~~The Chief ALJ Administrative Law Judge or the ALJ Administrative Law Judge shall dismiss the appeal on his or her own motion or on the motion of any party:~~

- 1) ~~the Department has already made a final administrative decision on the issue as a result of a previous appeal;~~
- a2) when the issue is not regarding a child abuse or neglect report as defined in 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect);
- b) when there is a pending juvenile court action or criminal court action involving the same set of circumstances that gave rise to the indicated finding;

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- ~~c3)~~ when there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator; a court has made a judicial decision on the issue being appealed or a judicial finding of child abuse or neglect has been made on the issue and the appellant is requesting that the record of the report of child abuse or neglect be expunged, amended or removed;
- ~~d4)~~ when the request for the appeal was not received within 60 calendar days after the postmarked date of the notice that the report was indicated;
- ~~e)~~ within 60 days following the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action concerning the circumstances that give rise to the indicated finding;
- ~~f5)~~ when the appeal has been withdrawn in writing;
- ~~g6)~~ when the appeal has been abandoned pursuant to Section 336.200; or
- ~~h7)~~ when the issue is not within the jurisdiction of the Administrative Hearings Unit as set forth in Section 336.60 ~~of this Part.~~
- ~~b)~~ If the Chief Administrative Law Judge finds that the issue is not appealable under this Part 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 appeal to the proper hearing authority and notify the appellant of this action.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.200 Abandonment of Appeal/Default

- a) The ~~AHU~~Administrative Hearings Unit will declare that the Department or appellant has abandoned the appeal when, during the pre-hearing conference or the hearing:
- 1) the ~~Department's legal~~Department representative, the appellant or the appellant's authorized representative, without good cause, fails to participate after receiving written notice from the AHU and after the ALJ has waited a reasonable time for the Department's legal representative,

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~~appellant or appellant's authorized representative to appear at a hearing or pre-hearing conference without having received a continuance;~~
or

- 2) the appellant failed to notify the Chief ~~ALJ 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," or for similar circumstances by the US Postal Service or other third party delivery service.
- b) Good cause for failure to appear includes, but is not limited to:
- 1) death or serious illness in the immediate family of the appellant, ~~or~~ the appellant's representative, any witness, or the Department's legal representative;
 - 2) failure of the ~~AHU Administrative Hearings Unit~~ to give notice of the proceeding to the appellant or the appellant's representative at the last known address available to the ~~AHU Administrative Hearings Unit~~; or
 - 3) failure of the ~~AHU Administrative Hearings Unit~~ to give notice by fax, inter-office mail or electronic mail, to the ~~Department's legal representative, or the present supervisor of the child protection team with primary case responsibility for the investigation.~~ Department
- c) When the ~~Department's legal representative~~ Department fails to appear at a pre-hearing conference or hearing, without good cause, and without having received a continuance, the ~~ALJ Administrative Law Judge~~ may issue orders as are appropriate, including, but not limited to, a finding of default for failure to appear or participate. All orders regarding a Department legal representative's failure to appear at a pre-hearing or hearing shall be sent to the attention of the Department's General Counsel.
- d) Any party seeking to vacate an order of abandonment or default 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. All such motions will be timely ruled upon by the ALJ. Copies of the motion shall be served upon the ALJ, the AHU and the opposing party.

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.210 Record of an Administrative Hearing

The record of the administrative hearing and the final administrative decision shall be maintained by the AHU and includes the recorded proceedings, any exhibits admitted into evidence, and any offers of proof.~~Chief Administrative Law Judge.~~ All final administrative decisions shall be available to any party for public inspection during regular business hours. However, personal identifying information and other confidential information shall be deleted in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 336.220 Final Administrative Decision

- a) The~~Making the~~ Final Administrative Decision
- 1) The Director of the Department shall issue the final decision~~receive the Administrative Law Judge's recommended decision~~ within 35 calendar days after receipt of a timely and sufficient request for an expedited appeal, unless extended by action of the appellant, or a stay pending a final judicial decision of a criminal or juvenile court proceeding based upon the same set of facts. Within the same 35 day time period, the Director shall receive and accept, reject, amend or return to the AHU~~Administrative Hearings Unit~~ for further proceedings the ALJ's~~Administrative Law Judge's~~ recommendation with respect to the expedited appeal. The Director's decision is the final administrative decision of the Department. ~~If the decision requires corrective action by the Department, the Director shall insure compliance with the decision.~~
 - 2) The Director of the Department shall issue~~receive~~ the final~~Administrative Law Judge's recommended~~ decision within 90 days after receipt of a timely and sufficient request for an appeal, unless extended by action of the appellant, or a stay pending a final judicial decision of a criminal or juvenile court proceeding based upon the same set of facts. Within the same 90 day period, the Director shall receive and accept, reject, amend or return to the AHU~~Administrative Hearings Unit~~ for further proceedings

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the ~~ALJ's Administrative Law Judge's~~ recommendation. The 90 day time period may be extended by the actions of the appellant. The Director's decision is the final administrative decision of the Department. ~~If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for insuring compliance with the decision.~~

- b) Notice of the Availability of Judicial Review
The Department shall include a notice to appellants as part of the final administrative decision. This notice shall ~~include the name of the person responsible for compliance, if applicable, and shall~~ advise the appellants that, under the ~~Administrative Review Law provisions of the Administrative Review Law~~ [735 ILCS 5/Art. III], they may seek judicial review of the ~~final administrative~~ Department's decision within the statutory time frame, if the final administrative decision is unfavorable to them, ~~within the statutory time frame.~~
- c) Who Receives Copies of the Final Administrative Decision
The appellant or authorized representative, the Department's legal representative, the Department child protective investigation unit, ~~the Department's representative, the Department's Office of Legal Services,~~ the ~~ALJ Administrative Law Judge,~~ the Chief ~~ALJ Administrative Law Judge,~~ and the State Central Register shall receive a copy of the final administrative decision.
- d) Notifying Others of the Decision
- 1) The following persons shall receive a notice of the final administrative decision from the ~~AHU State Central Register~~:
 - A) the Illinois Department of Financial and Professional Regulation, district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), Section 300.140;
 - B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and
 - C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(i).

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- 2) The following persons shall receive a notice of the final administrative decision, if the decision amends, expunges or removes any record made under [ANCRA Section 7.17](#) ~~of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17]~~:
- A) parents or personal guardians of the child victims if they are not the same as the appellant;
 - B) the mandated reporter who originally made the report of child abuse or neglect; [and](#)
 - C) the juvenile court judge and guardian ad litem [and/or attorney for a minor](#) (when a State ward is involved [or the minor is the subject of a petition under Article II of the Juvenile Court Act](#)).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1030.7	Amendment
1030.25	Amendment
1030.85	Amendment
1030.Appendix B	Amendment
1030.Appendix C	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104, 5/6-105.1, 6-521
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment reduces from two to one the number of documents an applicant for a driver's license (DL) or temporary visitor's driver's license (TVDL) must present to prove Illinois residency, allows the Secretary of State to mail renewal notices to non-visa status TVDL holders, sets forth the procedure for applicants to obtain a duplicate DL if the DL is not received by mail, sets forth the procedure for applicants to change their address if a DL was not delivered due to an address change, and increases the length of time for a former member of the military to obtain a CDL, from 90 days to 12 months, without having to take the CDL pre-trip, skills and road test, in accordance with federal regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.92	Amendment	40 Ill. Reg. 11246; August 26, 2016
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:
- Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 62723
- 217/557-4462
jegizii@ilsos.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This Rule was not included on either of the two most recent Agendas because the need for this rulemaking was not anticipated at the time the Agendas were prepared.

The full text of the Proposed Amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Driver's License
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements

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- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card

- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

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SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4,

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2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014;

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amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)

- a) An applicant who wishes to obtain an original TVDL, renew a TVDL, or obtain a corrected TVDL, pursuant to IVC Section 6-105.1(a-5), must make an appointment, via telephone or the Secretary of State's official website, to visit one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. The Secretary of State will limit to 3 the number of appointments that may be made by any one individual or entity or from any one internet protocol address within a 24-hour period, except that the limit of 3 appointments may be waived by the Secretary of State for not-for-profit entities that assist the affected public in scheduling appointments. In the event the Secretary discovers appointments have been made in violation of a policy limiting the number of appointments within a 24-hour period, the Secretary may cancel the appointments exceeding the maximum number allowed. Based on the operational needs of the office, the Secretary may eliminate the requirement for appointments. An applicant who wishes to obtain a duplicate TVDL shall visit any TVDL facility located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A.
- b) An applicant for an original TVDL shall provide acceptable forms of identification as defined in Appendix C to establish the applicant's name, date of birth, signature for comparison, current Illinois residence address, and residency in Illinois for a period in excess of one year. The applicant shall affirm under penalty of perjury that he/she is at the time of application ineligible to obtain a social security number and shall submit either a valid, unexpired passport for the applicant's country of citizenship or a valid, unexpired consular identification document, as defined by Section 5 of the Consular Identification Document Act

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[5 ILCS 230/5], issued by the consulate of the applicant's country of citizenship and a completed verification of residency form.

- c) An applicant for a duplicate or corrected TVDL must present one document from Group A and one document that satisfies Group ~~B, C or D~~, if requesting an address change to appear on the document ~~(two from Group D if requesting an address change to appear on the documents)~~ (see Appendix C).
- d) An applicant renewing a TVDL need only present his/her current TVDL if no changes are required. If the applicant does not have his/her TVDL or changes are required, the applicant must present one document from Group A and one document that satisfies Group ~~B, C or D~~, if requesting an address change to appear on the document ~~(two from Group D if requesting an address change to appear on the documents)~~.
- e) The applicant shall take the following tests as required in IVC Section 6-109:
 - 1) A vision test as provided in Sections 1030.70 and 1030.75;
 - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
 - 3) A written test, if required, as provided in Section 1030.80.
- f) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:
 - 1) Held a valid instruction permit for a minimum of 9 months;
 - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;
 - 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal

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guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.

- g) Applicants who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a TVDL unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.
- h) A temporary driver's license shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database and verification of residency, the applicant shall be mailed a driver's license to the address provided by the applicant.
- i) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.
- ~~j) A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.~~
- ~~j)k)~~ Each original TVDL shall expire 3 years from the date of issuance, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- ~~k)h)~~ An applicant for a renewal TVDL shall be retested in accordance with IVC Section 6-109.

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- ~~l)m)~~ Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- ~~n)~~ ~~The Secretary of State shall not send a renewal notice to the holder of a TVDL.~~
- ~~m)e)~~ The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".
- ~~n)p)~~ The design and content of a TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1).
- ~~o)q)~~ The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.
- ~~p)r)~~ An applicant for a TVDL that is male and is between the ages of 18 and 25 is not exempt from the requirement to register with the United States Selective Service System, in accordance with IVC Section 6-106.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.25 Safe Driver License Renewals

- a) The Department may centrally issue a driver's license renewal to an applicant who is not otherwise ineligible for a driver license and meets the eligibility criteria for renewal through the Safe Driver Renewal Program. Eligible applicants are sent a Safe Driver Renewal notice indicating current eligibility for the program, by mail, approximately 90 days prior to the expiration of their current driver's license.
- b) Safe Driver Renewal applicants may renew their driver's license by making application by mail, Internet, or telephone. Applicants who are no longer eligible due to a change in their driving record will be denied at time of application through the Internet and telephone and shall be instructed to appear at a driver's license facility. Applicants who are no longer eligible at time of renewal who have submitted the application by mail will have their application and fee returned, with the reason of ineligibility, and shall be directed to appear at a driver's license facility.

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- c) A driver is not eligible for Safe Driver Renewal if any of the following apply:
- 1) The driver is the holder of a Commercial Driver's License;
 - 2) The driving record contains a withdrawal action;
 - 3) The driver is under the age of 22 or greater than the age of 74;
 - 4) The driver's license has been expired over one year;
 - 5) The driver's last renewal was completed through the Safe Driver Renewal program;
 - 6) The driver's license expiration is greater than one year;
 - 7) The driver is required to submit a medical or vision specialist report;
 - 8) The driving record contains a conviction;
 - 9) The driver holds a school bus driver permit;
 - 10) The driving record contains a disposition of court supervision;
 - 11) The driving record indicates the driver has been involved in a property damage, personal injury, or fatal accident;
 - 12) The driver holds a restricted local license;
 - 13) The driver is less than 26 years of age and has not met his Selective Service obligation;
 - 14) The driver holds a [visa status](#) Temporary Visitor's Driver's license;
 - 15) The driver's social security number has not been verified through the Social Security On-line Verification System;
 - 16) The driver must meet the reporting requirements of the Sex Offender Registration Act;

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- 17) The driver's file does not contain a suitable image.
- d) By submission of a Safe Driver Renewal application, the driver affirms that:
- 1) The driver has not been issued corrective lenses (eyeglasses/contacts) for driving since his or her last renewal.
 - 2) The driver's license or privilege to obtain a license is not suspended, revoked, cancelled or refused in this or any other state.
 - 3) The driver does not presently hold a valid driver's license in any other state.
 - 4) The driver's license is not being held by a court in lieu of bail.
 - 5) The driver does not have any condition that might cause a temporary loss of consciousness.
 - 6) The driver has no mental or physical condition that might interfere with safe driving.
 - 7) The driver does not use any drugs, including prescription medication, or alcohol to an extent that they impair driving ability.
 - 8) A court has not found the driver to have a mental disability or disease or a court has not committed the driver to a mental health facility within the last four years.
 - 9) The driver's legal name or gender has not changed.
- e) The fees collected for the issuance of a driver's license shall be in accordance with IVC Section 6-118 except that a processing fee will be charged by the service provider for applications received by telephone and Internet.
- f) If the renewal applicant does not receive the driver's license by mail, he/she may be issued one duplicate driver's license, at no fee, provided the driver makes application for a duplicate within 90 days after the date of the renewal application and the driver's license was not returned to the Department as undeliverable. If a centrally issued driver's license is not returned to the Department by the U.S. Post

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Office as undeliverable, the applicant shall be required to appear at a driver services facility with one form of proof of residence address as outlined in Appendix B. The applicant shall be charged the fee for a corrected license as set forth in IVC Section 6-118 if a change is required upon submission of the residence address documents.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.85 Driver's License Testing/Road Test

- a) Classification of licenses is established in Section 1030.30.
- b) Persons applying for a Class C or Class D (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation restriction in a First Division vehicle who are required by IVC Section 6-109 to complete a road test shall be evaluated on the following driving skills: start, posture, use of mirrors, steering, lane observance, right-of-way, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, and use of clutch or automatic transmission.
- c) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (CDL) shall also be evaluated on the following:
 - 1) Pre-Trip Inspection – the applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
 - A) locate and verbally identify air brake operating controls and monitoring devices;
 - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
 - C) inspect low pressure warning devices to ensure they will activate in emergency situations;

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- D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
 - E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and
 - F) operationally check the brake system for proper performance.
- 2) Vehicle skills test that shall include dock parking, straight line backing, stop at marked line, and predetermined right turn.
 - 3) Additional road test driving skills of use of gears, railroad crossing, expressway, bridge and underpass.
- d) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (non-CDL) shall also be evaluated on straight line backing.
 - e) In addition to those maneuvers listed in subsection (c), persons applying for a school bus driver permit must complete a road test in a representative vehicle, which shall consist of the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, and use of flasher lights.
 - f) Applicants for a Class L or Class M driver's license who are required to complete a road test shall be evaluated by using of the following drive tests: ALMOST – Alternate Motorcycle Operator Skill Test; 5 dot test; and Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.
- 1) Test exercises for the ALMOST and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test, for both Class L and Class M, shall consist of the following: stalling (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).

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- 2) Test exercises for the 5 dot test, for both Class L and Class M, shall consist of the following: knowledge of controls, figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.
- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, a point or points are assessed based upon the severity of the error. Applicants for a CDL or Non-CDL Class A, B, C or D license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a Second Division school bus permit are allowed 40 points. Applicants for a First Division school bus permit are allowed 36 points. Applicants for a Class L or M license taking the ALMOST or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation shall be allowed 11 points. Applicants for an L or M license taking the 5 dot test shall be allowed seven points.
- h) The following acts will result in immediate disqualification: violation in which an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.
- i) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test; the vehicle develops mechanical problems after the road test has begun; weather conditions make the continuation of the road test hazardous; or an accident occurs for which the applicant does not receive a ticket.
- j) No persons are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions may be made for any applicants who may require a translator and for the training and evaluation of facility personnel.
- k) Any applicant who is suspected by a Driver Services Facility employee of having consumed alcohol and/or drugs must seek the approval of a Driver Services Facility manager prior to being administered the road test. If a Driver Services Facility manager has reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include, but not be limited to, one or more of the following conditions:

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- 1) the applicant admits he/she has consumed alcohol and/or drugs;
 - 2) the applicant has a strong odor of alcohol on his/her breath;
 - 3) the applicant's eyes are red and the pupils are dilated;
 - 4) the applicant's speech is slurred; or
 - 5) the applicant is unsteady when walking.
- l) All persons applying for a CDL, with the exception of those persons renewing their Illinois CDL, or those persons holding an Illinois CLP who successfully completed federally approved CDL training and testing in another CDL certified state, shall be required to successfully complete the examinations set forth in subsections (c) and (d) pursuant to IVC Section 6-508(a)(1).
- m) Military personnel are exempt from the CDL administered pre-trip, skills and road test (excluding school bus and passenger endorsements) if:
- 1) In the two-year period immediately prior to application for a CDL the applicant has not:
 - A) had more than one license, except for a military-issued driver's license;
 - B) had any driver's license suspended, revoked or cancelled;
 - C) had any convictions in any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b) (October 1, 2012);
 - D) had more than one conviction in any type of motor vehicle for a serious traffic violation contained in 49 CFR 383.51(c) (October 1, 2012); and
 - E) had any conviction for a violation of military, State or local law relating to motor vehicle traffic control (other than a parking

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violation) arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

- 2) The applicant certifies that:
 - A) he/she is regularly employed or was regularly employed within the last ~~12 months~~^{90 days} in a military position requiring operation of a commercial motor vehicle;
 - B) he/she was exempted from the CDL requirements of 49 CFR 383.3(c) (October 1, 2012); and
 - C) he/she was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.
- 3) The applicant submits a completed Secretary of State CDL-ST WVR form, including signature of the applicant's commanding officer.
- n) The use of any recording device, including but not limited to cell phones, cameras, tape recorders or video recorders, is prohibited during the administration of a road test. If an examiner discovers a recording device is in use during the road test, the examiner shall request the applicant to stop the recording device and delete any recordings of the road test. If the applicant refuses to do so, the examiner shall immediately terminate the road test and the applicant will be deemed to have failed the road test.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit

- a) Except as provided for in ~~subsections~~ subsections (o) ~~and (p)~~, an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, ~~and C~~ and ~~two documents from Group D~~ as outlined in subsection (g~~h~~).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, ~~and B~~ and ~~two documents from Group D~~ to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall affirm under penalty of perjury that they are ineligible to obtain a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- c) An applicant applying for a CLP or CDL shall submit one of the following documents as proof of citizenship or lawful permanent resident status:
- 1) valid, unexpired U.S. passport;
 - 2) certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's state of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands;
 - 3) Consular Reports of Birth Abroad (CRBA) issued by the U.S. Department of State;
 - 4) Certificate of Naturalization issued by the U.S. Department of Homeland Security (DHS);
 - 5) Certificate of Citizenship issued by DHS; ~~or~~
 - 6) Valid, unexpired Permanent Resident Card issued by USCIS or INS; or.
 - 7) Valid, unexpired U.S. Passport Card.

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- d) An applicant applying for a Non-Domiciled CLP or CDL shall submit an unexpired employment authorization document (EAD) issued by USCIS or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.
- e) Except as provided for in subsections (o), ~~(p)~~ and (q), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and one at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (gh). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- ~~f) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.~~
- ~~f)g) Applicants renewing a current Illinois driver's license, TVDL or identification card need only present a current valid driver's license, TVDL or ID card. If they do not have a current driver's license, TVDL or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, if requesting an address change to appear on the document, as outlined in subsection (gh). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. ~~Except as provided for in subsections (o) and (p), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (h).~~~~
- ~~g)h) Documents of identification that are acceptable for the purpose of obtaining a~~

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driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (dated within 90 days prior to application)

Cooperative Driver Certificate

Court Order

Credit Card/Debit Card – Major Brand

Driver Education Certificate

Government Driver's License

Government Identification Card

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS)
forms:

I-551 (Alien Registration Card)

I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

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Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Certified Grade/High School/College/University Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

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Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

~~Affidavit – Certificate of Residency (available at facility)~~

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

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NOTICE OF PROPOSED AMENDMENTS

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead – dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City or Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

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Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

- ~~h)~~i) Documents listed in Group A, B or C, as outlined in subsection (~~gh~~), that contains the full residence address may also be used for Group D, as outlined in subsection (~~gh~~).
- ~~i)~~j) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- ~~j)~~k) Group B documents, as outlined in subsection (~~gh~~), must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.
- ~~k)~~l) Group C documents, as outlined in subsection (~~gh~~), must contain the applicant's name and full social security number.
- ~~l)~~m) Group D documents, as outlined in subsection (~~gh~~), must contain the applicant's full residence address.
- ~~m)~~n) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- ~~n)~~o) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (~~gh~~), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (~~gh~~).
- ~~p)~~ ~~An applicant for an identification card who is under the age of five years old must~~

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~~present one document from each of Group A, B and C, as outlined in subsection (h), and one document from Group D, as outlined in subsection (h).~~

- ~~o)q)~~ A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.
- ~~p)r)~~ A peace officer who wishes to change his or her residence address or mailing address to his or her business address is required to present only a Secretary of State Request to Change Residence/Mailing Address form and his or her peace officer badge.
- ~~q)s)~~ Unacceptable identification documents include, but are not limited to:
- Bond Receipt or Bail/Bond Card
 - Business Cards
 - Check Cashing Cards
 - Club or Fraternal Membership Cards
 - College or University Identification Cards
 - Commercially Produced (non-State or unofficial) ID Cards
 - DHS (Department of Human Services) Cards [or documents issued by DHS](#)
 - Fishing License
 - HFS (Healthcare and Family Services) Cards
 - Handwritten ID or Employment Cards
 - Hunting License
 - Illinois FOID Card

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NOTICE OF PROPOSED AMENDMENTS

Instruction Permit/Receipts

Insurance

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

- a) Applicants for an original non-Visa status temporary visitor's driver's license (TVDL) pursuant to IVC Section 6-105.1(a-5) shall submit the following:
 - 1) One document to prove written signature;
 - 2) One document to prove name and date of birth;
 - 3) ~~One document~~Two documents to prove current Illinois residence address;
 - 4) One document to prove Illinois residency in excess of one year;
 - 5) Valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by the applicant's country of citizenship pursuant to Section 5 of the Consular Identification Document Act [5 ILCS 230/5]; and
 - 6) Verification of residency form.
- b) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or ~~one~~two from Group D if requesting an address change to appear on the documents (see Appendix B).
- c) A TVDL holder who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous name, date of birth or gender and the new name, date of birth or gender.
- d) Documents that are acceptable for the purpose of obtaining a TVDL:
 - 1) Written Signature:
Consular Identification Document
Cooperative Driver Certificate

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Court Order

Credit Card – Major Brand

Driver's License or Identification Card (issued by another state of the United States)

Foreign Passport (with complete date of birth: day, month and year)

Mexican Electoral Card

Mortgage or Installment Loan Agreement

United States Federal, State or Local Government ID Card

2) Name and Date of Birth:

Consular Identification Document

Foreign Passport (with complete date of birth: day, month and year)

3) Current Illinois Residence Address:

Bank Statement (dated within 90 days prior to application)

Certified Grade School/High School/College/University Transcript

Consular Identification Document

Credit Report Issued by Experian, Equifax or TransUnion (dated within 90 days prior to application)

Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

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Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency (dated within 90 days prior to application)

Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

Report Card from Grade School/High School/College/University

Selective Service Card

Tuition Invoice or Other Official Mail from a College or University (dated within 90 days prior to application)

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas; dated within 90 days prior to application)

- 4) Illinois Residency in Excess of One Year (all documents must be dated at least 12 months prior to the date of application):

Bank Statement

Certified Grade School/High School/College/University Transcript

Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency

Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

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NOTICE OF PROPOSED AMENDMENTS

Report Card from Grade School/High School/College/University

Tuition Invoice or Other Official Mail from a College or University

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas)

e) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

f) Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

DHS (Department of Human Services) Cards [or documents issued by DHS.](#)

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance Card

Library Card

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NOTICE OF PROPOSED AMENDMENTS

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

- g) All documents presented must be valid and unexpired. Photocopies of documents will not be accepted. Acceptance of documents not listed in this Appendix must be approved by the Director of Driver Services or his or her designee.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of November 22, 2016 through November 28, 2016. The rulemakings are scheduled for review at the Committee's December 13, 2016 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
1/4/16	<u>Secretary of State</u> , Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)	3/18/16 40 Ill. Reg. 4835	12/13/16
1/5/16	<u>State Board of Education</u> , Charter Schools (23 Ill. Adm. Code 650)	9/9/16 40 Ill. Reg. 12908	12/13/16
1/5/16	<u>State Board of Education</u> , Public Schools Evaluation, Recognition, and Supervision (23 Ill. Adm. Code 1)	9/9/16 40 Ill. Reg. 12896	12/13/16
1/5/17	<u>Department of Healthcare and Family Services</u> , Child Support Services (89 Ill. Adm. Code 160)	4/1/16 40 Ill. Reg. 5256	12/13/16
1/6/17	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	8/26/16 40 Ill. Reg. 11246	12/13/16
1/6/17	<u>Secretary of State</u> , Procedures and Standards (92 Ill. Adm. Code 1001)	8/19/16 40 Ill. Reg. 11136	12/13/16

PROCLAMATION

2016-284 (Revised)
Suits for Soldiers Day

WHEREAS, Farmers Insurance® was founded in 1928 by Thomas E. Leavey and John C. Tyler, both World War I veterans; and,

WHEREAS, Farmers has been named one of the Top 150 Military Friendly employers in the United States and one of the Top 50 Military Spouse Friendly Employers by GI Jobs magazine; and,

WHEREAS, Farmers has many relationships with military organizations to support veteran hiring and has a signed statement of support with Employer Support of the Guard and Reserve (ESGR); and,

WHEREAS, Farmers provides bonus incentive opportunities for veterans who build or buy a Farmers agency; and,

WHEREAS, Farmers also develops and further engages its veteran and other employees with a Veterans and Advocates Employee Resource Group; and,

WHEREAS, Farmers has already collected and donated more than 8,000 suits to veterans transitioning out of the military through the Farmers Suits for Soldiers Program; and,

WHEREAS, Farmers will launch Suits for Soldiers nationally on October 18, 2016, with the goal of collecting 50,000 suits across the United States to help transitioning veterans enter the work force with professional attire; and,

WHEREAS, veterans transiting to civilian life frequently lack the money to buy the professional attire necessary to interview for civilian jobs;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 18, 2016, as **SUITS FOR SOLDIERS DAY** in Illinois, and congratulates Farmers Insurance for its significant contributions to our veterans.

Issued by the Governor October 3, 2016

Filed by the Secretary of State November 28, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 50 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 336 16013
92 - 1030 16061

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

16 - 284 10/3/2016 16093

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