**Section 5300.660 Substitution and Addition of Parties**

a) A Complaint may be amended by the Complainant to substitute or name additional Parties Respondent if such parties are successors or assigns of a named Respondent. Mere misnomer of a Party, however, shall not be grounds for dismissal and may be cured at any time by amendment of the pleadings. A Person may be added as Party Respondent, even if that Person is not a successor or an assign of the named Respondent, if the following terms and conditions are met:

1) The Charge in the case was filed within 300 days after the date of the civil rights violation allegedly committed by the Person sought to be added as a Party Respondent;

2) The failure to join the Person as a Party Respondent was inadvertent;

3) The Person sought to be added as a Party Respondent was given notice of the filing of the Charge at the time the original Charge was filed;

4) The nature of the original Charge was such that the Person sought to be added knew, within the 300 day period, that the Charge grew out of a transaction or occurrence involving or concerning him or her;

5) The addition of the Person sought to be named as a Party Respondent does not raise new factual questions which were not considered by the Department of Human Rights in its investigation; and

6) The cause of action alleged against the Person sought to be made a Party Respondent in the case arises out of the same transaction or occurrence set out in the original Complaint.

b) If a Party to a Complaint dies, the proper Party or Parties may be substituted upon motion. If a motion to substitute is not filed within 90 days after the death is suggested of record, the Complaint may be dismissed as to the deceased Party.

c) No Person shall be added as a Party Respondent except as provided in this Section.

d) If substitution of a Party occurs in a matter proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the election of the alternative hearing procedure remains effective and is binding on the substituted or successor Party and the matter shall continue to proceed under the alternative hearing procedure.

e) If addition of a Party occurs in a matter proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the additional Party shall within 30 days after being made a party in the matter inform the Commission in writing of his/her/its stipulation to continue proceeding under the alternative hearing procedure on the matter before the selected Administrative Law Judge based on the record to date. If the additional Party fails to timely so stipulate, the matter shall automatically no longer continue under the alternative hearing procedure and may be reassigned to another Administrative Law Judge by the Chief Administrative Law Judge.

(Source: Amended at 44 Ill. Reg. 18930, effective November 23, 2020)