**Section 383.150 The Administrative Law Judge**

a) Assignment of the Administrative Law Judge

The Chief Administrative Law Judge shall assign an Administrative Law Judge to conduct the administrative hearing. The Administrative 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 reviewed 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 reviewed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

b) Functions of the Administrative Law Judge

The Administrative Law Judge shall have all authority allowed under the 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 preliminary and prehearing telephone conferences, if necessary, between the parties and/or their 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) take necessary steps to develop a full and fair record that contains all relevant facts. The Administrative Law Judge shall admit any evidence having probative value that is relevant and material to the facts in issue, subject to objections only as to the weight to be given such evidence;

6) administer an oath or an affirmation to all witnesses;

7) quash or modify subpoenas for good cause, including, but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;

8) preserve all documents and evidence for the record;

9) ask questions of any witnesses called to testify;

10) for good cause shown, permit a witness to testify at the hearing by telephone;

11) 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;

12) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or other conduct that disrupts the hearing;

13) 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, the submission of briefs, memoranda of law, affidavits or post hearing briefs; and

14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed, unless an extension is granted by the Chief Administrative Law Judge. The report shall include a recommended decision on whether there is a preponderance of evidence, based on information considered at the hearing contained in the administrative record, to support the Department's decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder. The opinion shall contain findings of fact, conclusions of law and a recommendation.

(Source: Amended at 42 Ill. Reg. 8197, effective June 1, 2018)