

APPLICATION FOR AUTHORITY
TO DISPOSE OF STATE RECORDS

Application No. 14-73
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STATE OF ILLINOIS
STATE RECORDS COMMISSION

STATE RECORDS UNIT
ILLINOIS STATE ARCHIVES
SPRINGFIELD, IL 62756
(217)782-2647

AGENCY

Department of Children and Family Services (DCFS)

DIVISION

Administrative Hearings Unit

SUBDIVISION

ACTION TAKEN BY
THE
STATE RECORDS
COMMISSION


CHAIRMAN

Pursuant to the provisions of the *State Records Act* (5 ILCS 160/1 et seq.), I hereby request authority to dispose of state government records according to the schedule which follows. I certify that those records to be disposed of will not be needed in the transaction of current business nor will they be of sufficient administrative, legal, or fiscal value to warrant further retention by this agency. I also certify that any microfilm or digitized copies will be made in accordance with the standards of the State Records Commission and will be adequate substitutes for the original records.

SECRETARY

September 16, 2015
DATE


SIGNATURE OF AGENCY HEAD

9/4/15
DATE

RECORDS LISTED ON THIS APPLICATION MAY BE DISPOSED OF PROVIDING:

- the individual retention period is complete;
- all audits have been completed under the supervision of the Auditor General and no litigation is pending or anticipated;
- the items are correctly listed on a Records Disposal Certificate submitted to and approved by the State Records Commission 30 days prior to disposal.

Certain records, as stipulated on this application, may be microfilmed or digitized and the original hardcopy record disposed of if the record is microfilmed or digitized in accordance with the standards of the State Records Commission Rules and if the film or digitized copy is retained for the prescribed retention period. **Disposal of records after microfilming or digitizing must be noted on a Records Disposal Certificate.**

THIS APPLICATION AND ANY RELATED RECORDS DISPOSAL CERTIFICATES ARE TO BE RETAINED PERMANENTLY.

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1. Administrative Appeals and Hearings Files (Originals and Agency Record Copies)

Dates: 1980-
Volume: 2,735 Cubic Feet
Annual Accumulation: 100 Cubic Feet
Arrangement: Chronological/Alphabetical

This record series consists of the administrative appeals and hearings files generated by the Department of Children and Family Services' (DCFS) Administrative Hearings Unit. Administrative Appeals and Hearings Files are generated as a result of actions taken or administrative decisions rendered by DCFS or a provider agency on behalf of the Department in the performance of the Department's statutory powers and duties, for resolution of the following:

- (A) Audits, Reviews, and Investigations (89 Ill. Adm. Code 434) – any entity which has been audited, reviewed, or investigated by the Department may appeal the findings of the audit, review or investigation.
- (B) Child Abuse and Neglect Investigation Findings (89 Ill. Adm. Code 336) – any person who has been named as a subject/perpetrator in an indicated report of child abuse or neglect and the indicated perpetrator is appealing any of the decisions, actions or inactions pursuant to the provisions of Section 336.60 a)-g). These files are generated pursuant to provisions of 325 ILCS 5/7.16.
- (C) Discrimination – a child or family served by a provider from whom the Department purchases service may appeal any act of alleged discrimination (89 Ill. Adm. Code 308, Nondiscrimination Requirements of Department Service Providers); and Department employees or applicants may appeal a Department decision which they allege is discriminatory with respect to their employment (89 Ill. Adm. Code 429, Equal Employment Opportunity).
- (D) Licensing – a child care facility subject to licensing can appeal a decision to approve or deny an application for licensure, a decision to revoke or suspend a license, or other Department decisions related to enforcing the licensing rules (89 Ill. Adm. Code 383, Licensing Enforcement); relative caregivers providing full-time care and custody to a related child who have applied for a foster home license and been denied licensure may appeal the denial of a foster family home license (89 Ill. Adm. Code 338, Appeal of Foster Family Home License Denials by Relative Caregivers); a license applicant may appeal the denial of an initial license or permit based upon a background check (89 Ill. Adm. Code 385, Background Checks); and other licensing standards or issues that may arise during the course of the Department's statutory duties.
- (E) Service Appeals – a child or family may appeal any action or inaction of the Department regarding planning for services for the child or family, the provision of services to the child or family, or any other issue regarding

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the Department's policy when the child or family is aggrieved by them (89 Ill. Adm. Code 337); parents and guardians of the estates of children may appeal the Department's parental determination liability amount relating to the cost of day care services or substitute care (89 Ill. Adm. Code 352); and a service provider may appeal the Department's decision regarding the rate established for the services they provide within the time limitations specified (89 Ill. Adm. Code 356).

- (F) Miscellaneous Complaints – filed by any internal or external source against the Department for the resolution of various issues or conflicts not included in any of the other categories.

These files may include, but are not limited to the following:

- a.) Written Requests;
- b.) Copies of Investigative Reports;
- c.) Notices of Prehearing Conferences and Formal Administrative Hearings;
- d.) Review of Witness Lists and Testimony;
- e.) Subpoenas;
- f.) Court findings/rulings/stay of appeal, if applicable;
- g.) Transcripts;
- h.) Withdrawals/Resolutions/Agreements of parties involved;
- i.) Exhibits, evidence and discovery documents;
- j.) Orders/Opinions/Recommendations;
- k.) Director's Final Administrative Decisions; and
- l.) Related correspondence and/or other supporting documentation.

Additionally, when common issues are raised, the Administrator of the Administrative Hearings Unit may respond to requests for hearings from more than one appellant by conducting a single group hearing (consolidated hearings). The Administrator of the Administrative Hearings Unit may also combine all issues involving a single appellant in one hearing. Individuals are permitted to present their own cases separately.

When the issue being appealed is related to whether abuse or neglect occurred, and the indicated finding is under appeal through 89 Ill. Adm. Code 336, Appeal of Child Abuse and Neglect Investigation Findings, the Administrator of the Administrative Hearings Unit shall decide whether to hear the cases jointly, separately or one ahead of the other. When considering this issue after reviewing the totality of the circumstances, the Administrator considers what is in the best interests of the child and rules accordingly.

The record of the Administrative hearing and the final administrative decision are maintained by the Chief Administrative Law Judge. If an Appellant seeks a judicial review after receiving the final administrative decision of the

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Director of DCFS, then a copy of the complete record on appeal is provided to the appropriate court of jurisdiction.

[Note: Since identifying data of departmental case file subjects or clients may be contained within these files, public access to this record series is limited per provisions of 325 ILCS 5/11 (Abused and Neglected Child Reporting Act), 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services), and State and Federal laws and rules and regulations on confidentiality.]

[Other Applicable Statutes and Citations: Administrative Review Law [735 ILCS 5/Art. III]; 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings); 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect); 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings); 89 Ill. Adm. Code 337 (Service Appeal Process); 89 Ill. Adm. Code 338 (Appeal of Foster Family Home License Denials by Relative Caregivers); 89 Ill. Adm. Code 383 (Licensing Enforcement); 89 Ill. Adm. Code 385 (Background Checks); 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services); 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations); and 89 Ill. Adm. Code 412 (Licensure of Direct Child Welfare Services Employees and Supervisors.)

This item supersedes approved State Records Application No. 96-41, item 1, in order to rewrite the title and description of the record series for clarification of contents; to eliminate the weeding of the files by the State Archives' staff for extraneous materials and subsequent disposal; to reduce the retention period from "permanent" to "fifty (50) years"; and to change the jurisdiction of this record series from the Division of "Child Protection" and Subdivision of "Regional and Field Offices" to the Division of "Administrative Hearings Unit", per agency request.

Recommendation:

Retain *paper records* in office for one (1) year after final disposition and/or closure of the case(s), then transfer to the State Records Center for forty-nine (49) years retention, then destroy in a secure manner provided all audits have been completed, if necessary, and no litigation is pending or anticipated.

Retain *electronic records* in office for fifty (50) years after final disposition and/or closure of the case(s), then delete from system provided all audits have been completed, if necessary, and no litigation is pending or anticipated. Retain *electronic records* in compliance with 44 Ill. Adm. Code 4400.70 and 4400.80.

Any accumulations of this record series

**Disposition
approved
as amended
9/16/15**

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currently housed at the Illinois State Archives shall be transferred to the State Records Center upon approval of this application.

2. Audio Recordings of Administrative Appeals and Hearings

Dates: 1989-
Volume: 397 GB
Annual Accumulation: 100 GB
Arrangement: Chronological

This record series consists of the audio recordings retained on all formal administrative appeals and hearings conducted by the Department of Children and Family Services' Administrative Hearings Unit regarding:

- (A) Audits, Reviews, and Investigations (89 Ill. Adm. Code 434);
- (B) Child Abuse and Neglect Investigation Findings (89 Ill. Adm. Code 336), 325 ILCS 5/7.16 and 325 ILCS 5/11 (Abused and Neglected Child Reporting Act);
- (C) Discrimination (89 Ill. Adm. Code 308, Nondiscrimination Requirements of Department Service Providers) and (89 Ill. Adm. Code 429, Equal Employment Opportunity);
- (D) Licensing (89 Ill. Adm. Code 383, Licensing Enforcement), (89 Ill. Adm. Code 338, Appeal of Foster Family Home License Denials by Relative Caregivers), and (89 Ill. Adm. Code 385, Background Checks);
- (E) Service Appeals (89 Ill. Adm. Code 337), (89 Ill. Adm. Code 352), and (89 Ill. Adm. Code 356); and
- (F) Miscellaneous Complaints.

The audio recordings of the administrative hearing and the final administrative decision are maintained by the Chief Administrative Law Judge. If an Appellant seeks judicial review after receiving the final administrative decision of the Director of DCFS, then a copy of the complete record on appeal, including the audio recording, is provided to the appropriate court of jurisdiction.

Recommendation: Retain audio recordings in office for fifty (50) years retention after final disposition and/or closure of the case(s), then delete from system provided all audits have been completed, if necessary, and no litigation is pending or anticipated.

Retain *electronic records* in compliance with 44 Ill. Adm. Code 4400.70 and 4400.80.

**Disposition
approved
as amended
9/16/15**