

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 435
ADMINISTRATIVE APPEALS AND HEARINGS

Section

- 435.1 Purpose
- 435.2 Definition
- 435.3 Parts Which Contain Appeal Provisions

AUTHORITY: Implementing the United States Constitution; 1964 Civil Rights Act, Titles VI and VII (42 U.S.C. 2000d et seq. and 2000d et seq.); 1973 Rehabilitation Act, Sections 503 and 504 (29 U.S.C. 793 and 794); The Age Discrimination Act (42 U.S.C. 6101 et seq.); The Constitution of the State of Illinois; and implementing and authorized by Sections 4, 5 and 5.3-5.7 of "ANACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1979, ch. 23, pars. 5004, 5005 and 5005.3 through 5005.7); Sections 19-21 of The Child Care (Ill. Rev. Stat. 1979, ch. 23, pars. 2219, 2220 and 2221); Section 7-4 of Juvenile Court Act (Ill. Rev. Stat. 1979, ch. 37, par. 707-4); Section 7.16 of The Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1979, ch. 23, par. 2057.16), and 45 CFR 205.10.

SOURCE: Adopted and codified at 5 Ill. Reg. 7795, effective August 3, 1981.

Section 435.1 Purpose

The purpose of these rules is to identify for the public those parts adopted by the Department of Children and Family Services which explain how Department decisions may be appealed. Appeals may be filed by a Department employee or an applicant for employment; an applicant for or recipient of Department services; parents or guardians of the estates of children billed for the costs of care and services provided by the Department; an applicant or holder of a permit or license issued by the Department; a provider from whom the Department purchases services; or a subject of a child abuse or neglect investigation.

Section 435.2 Definition

"Appeal" means a request to modify or revoke a decision made by the Department.

Section 435.3 Parts Which Contain Appeal Provisions

The following parts filed with the Illinois Secretary of State by the Department of Children and Family Services in accordance with the Administrative Procedure Act contain provisions relating to the manner in which decisions made by the Department may be appealed.

ADMINISTRATIVE APPEALS AND HEARINGS

- a) Part 308, Nondiscrimination Requirements of Department Service Providers, details the manner in which a child or family served by a provider from whom the Department purchases services may appeal any act of alleged discrimination.
- b) Part 309, Review and Appeal Process, details the manner in which 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 the Department's service policy when the child or family is aggrieved by them. In addition, this part explains that a subject of a report of child abuse or neglect may appeal the decision that the report was indicated or the alleged refusal of the Department to remove an unfounded report of child abuse or neglect from the State Central Register.
- c) Part 352, Financial Responsibility of Parents, details the manner in which 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.
- d) Part 356, Rate Setting, explains that a purchase of service provider may appeal the Department's decision regarding the rate established for the services they provide within the time limitations specified.
- e) Part 383, Licensing Enforcement, explains the manner in which 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.
- f) Part 429, Equal Employment Opportunity through the Department of Children and Family Services, explains the manner in which Department employees or applicants may appeal a Department decision which they allege is discriminatory with respect to their employment.
- g) Part 434, Audits, Reviews, and Investigations, explains the manner in which an entity which has been audited, reviewed, or investigated by the Department may appeal the findings of the audit, review or investigation.