

**These are examples of the admonishments read by the Administrative Law Judge at the Pre-hearing when selecting hearing dates:**

**ADMONISHMENT READ BY ADMINISTRATIVE LAW JUDGE**  
**90 DAY APPEAL**

Under DCFS Rules, the Department must issue a final administrative decision within 90 days after the appeal was received. Therefore, you should understand your scheduling options. First, the Department will be represented by an attorney. You may be represented by an attorney at your own expense. Before the hearing takes place, the parties must identify witnesses who will testify at the hearing and may issue subpoenas to those witnesses to compel their attendance. The parties must exchange documents that they intend to use at the hearing and may issue subpoenas to compel the production of those documents.

I must offer you what's called a "first offer date" which is a date or range of dates to remain in compliance with the 90 day timeline. You may; however, reject this first offer date if you need more time to prepare. If you reject this first offer date, a date will be selected that is convenient for both parties. Please note that the time between the first offer date and the date selected by the parties will not count against the 90 day timeline. Do you understand?

You should also know that any time during the course of your appeal, you may file a motion to continue for good cause which includes sickness or death in your immediate family, court or administrative hearing dates in a different case scheduled prior to the issuance of the notice of hearing, the unavailability of a witness, or other unforeseen emergencies. If I grant that continuance, the time between the scheduled hearing date and the new hearing date will not be counted against the 90 day timeline. Do you understand? If the Department asks for a continuance and you agree, the time between the scheduled hearing date and the new hearing dates will not be counted against the 90 day timeline. Do you understand?

**Scheduling / Hearing Date Selection**

My first available date or range of dates is (Administrative Law Judges gives date or range of dates).

If range, select first offer date (Parties select first offer date from range of dates available).

If that first offer date is acceptable, then we are scheduled to begin on (date selected) at (time selected).

OR

Since that first date is not acceptable, I can offer you a hearing date convenient for everyone (discussion with the parties and confirm date selected on the record).

**ADMONISHMENT READ BY ADMINISTRATIVE LAW JUDGE**  
**EXPEDITED APPEAL**

You, the Appellant, have requested an expedited appeal. Under Department Rules, the Department must issue its decision within 35 days of the date the appeal is received. However, if at any time during the course of this expedited appeal, you need to reschedule, please be advised that any rescheduling that is more than 7 days from the scheduled hearing date, you give up your right to receive an expedited decision within 35 days and instead your appeal will be treated as a regular appeal and will be decided within 90 days. Additionally, anytime between the scheduled hearing date and the new hearing date will not be counted in the deadline.

Under DCFS Rules, the Department must issue its decision within 35 days after the appeal was received. We have assigned the following hearing date and time (Administrative Law Judge states the date issued in prehearing notice which meets the 35 day deadline). Are the assigned hearing date and time acceptable?

If “YES”: We are scheduled for the hearing to begin on (Date Selected).

I need to advise you that should you need to reschedule this hearing or if your witnesses require an additional hearing date, the time between the scheduled hearing date and the new hearing date will not be included in the 35 day deadline. In addition, if the new hearing date is more than 7 days beyond the scheduled hearing date, you will give up your right to an expedited decision to be issued within 35 days. In that situation, a decision will be issued within 90 days after the date the appeal was received.

If “NO”: Since the date and time we have assigned is not acceptable, I must advise you that I can offer you a hearing date within 7 days that is convenient for everyone but the time between the assigned hearing date and the date we agree on will not be included in the 35 day deadline. Do you understand? Do you have any questions?

(Discussion regarding date and time). If no date within 7 days is acceptable:

Since there is no date within the 7 days that is acceptable, you give up your right to an expedited decision within 35 days and instead your appeal will be treated as a regular appeal and will be decided within 90 days of the date the appeal is received. What would be good dates for you?

We are scheduled for (Date Selected).

I need to advise you that should you need to reschedule this hearing date or if your witnesses require an additional hearing date, the time between the scheduled hearing date and the new hearing date will not be included in the 90 day deadline.