**Section 336.140 Exchange of Information**

a) All requests for information must be in writing and sent, in advance of the hearing, to the party from whom the information is sought. Any requests for information from a party must be served on the party and on the AHU. A party, without leave of the ALJ, may request from any other party:

1) a list of witnesses to be called at the hearing; and

2) copies of all documents that a party intends to present to the Administrative Law Judge at the hearing. The Department does not need to send a copy of the investigative file to the appellant when the Department has previously sent a copy of the investigative file to the appellant pursuant to Section 336.80.

b) All requests for information shall be served on all other parties or their authorized representative. Copies of all requests for information shall be filed with the AHU. All requests for information shall be answered within 10 days after receipt unless, upon good cause shown, leave is sought for additional time to answer.

c) A party may exercise any rights to access any Department record relevant to the investigation and indicated finding under 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

d) No discovery, described in Supreme Court Rule 201 et seq., shall be permitted prior to a hearing except by permission of the ALJ, when good cause is shown.

e) Hearings shall not be delayed to permit the exchange of information unless timeliness and due diligence is shown by the party seeking the information.

f) If a party fails to answer a request for information, the ALJ may enter any appropriate order, including but not limited to:

1) a continuance of any hearing until the request for information is answered. The ALJ shall make a determination as to which party should be attributed the time for the continuance;

2) prohibit the testimony of any witness not disclosed in the answer to the request for information;

3) prohibit the introduction of any document or evidence not disclosed in an answer to the request for information; or

4) in determining whether to prohibit a witness from testifying or prohibit the introduction of evidence, the ALJ shall consider the need to develop a full and accurate record, including the reasons why a witness or document was not disclosed, and the interests of justice. The ALJ shall entertain an offer of proof that will be made part of the record.

(Source: Amended at 41 Ill. Reg. 15260, effective December 6, 2017)