**Section 337.180 The Administrative Law Judge**

a) Appointment of the Administrative Law Judge

The Administrator of the Administrative Hearings Unit shall select and the Director shall appoint a trained, impartial administrative law judge to conduct the fair hearing. The administrative law judge:

1) shall be an attorney licensed to practice law in the State of Illinois;

2) shall 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) shall not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision-maker on the issue; and

4) shall not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed. 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 (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.). This authority shall include, but is not limited to, the following:

1) prior to the hearing, conduct prehearing and preliminary telephone conferences, if necessary, among the parties and/or their attorneys;

2) conduct a fair and impartial hearing in which the strict rules of evidence do not apply;

3) provide for the recording of the hearing;

4) take necessary steps to develop a full and fair record which contains all relevant facts;

5) inform participants of their individual rights and responsibilities;

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) conduct in-camera reviews with children when requested by a child or a child's authorized representative. For purposes of this Part, an in-camera review means that the child may testify outside the presence of the appellant, with only the administrative law judge, Department and appellant's representative or attorney and court reporter, if applicable, present. If the appellant is unrepresented, the administrative law judge may continue the hearing to give the appellant the opportunity to obtain representation for the in-camera hearing;

9) preserve all documents and evidence for the record;

10) 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;

11) order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;

12) identify the issues, consider all relevant facts, and receive or request any additional information necessary to decide the matter in dispute. This may include, but is not limited to, the submission of briefs, memoranda of law, and affidavits;

13) order an examining physician's report, medical review team's decision, or medical assessments, if the administrative law judge considers them necessary and pertinent to the issue under appeal. If the administrative law judge deems this type of material necessary, the Department will pay for the expense of obtaining this material;

14) ensure that the appellant has full opportunity to present facts and information supporting his or her position, in accordance with any rules of evidence that may apply;

15) issue a recommendation to the Director of the Department based exclusively on the evidence presented at the hearing. This recommendation shall include a summary of the evidence, findings of facts, conclusions of law, and a recommended decision. This recommendation may also include recommendations of actions that should be taken to implement the recommended decision;

16) explore the possibility of reaching an agreement regarding services; and

17) assist the parties in reaching an agreement on services.