



# COMMONWEALTH of VIRGINIA

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## MEMORANDUM

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** NOËLLE L. SHAW-BELL  
Assistant Attorney General II

**DATE:** November 14, 2006

**SUBJECT:** Proposed repeal of 22 VAC 40-810, *et seq.*  
Fee for Court Services Provided by Local Departments of Social Services

I have reviewed the above-referenced proposed regulation repeal to determine whether the State Board of Social Services (“the Board”) has the statutory authority to repeal the specified regulation, the contents of which have been incorporated into a newly proposed regulation, 22 VAC 40-201.

Pursuant to Va. Code § 63.2-217, the State Board is required to promulgate regulations as may be necessary or desirable to carry out the purposes of Va. Code § 63.1-100, *et seq.* Additionally, the Board is specifically charged with promulgating regulations to carry out the statutory mandate in § 63.2-319 to protect children and strengthen families.

Consequently, it is my opinion that the Board has the authority to repeal these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 36 (2006), and has not exceeded that authority.

If you have any questions, please feel free to call me at 225-2741.

cc. Kim F. Piner, Sr. Assistant Attorney General and Section Chief