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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-180
Regulation title(s)	Voluntary Registration of Family Day Homes – Requirements for Providers
Action title	Amend Licensure Threshold – Voluntary Registration
Final agency action date	August 17, 2016
Date this document prepared	August 17, 2016

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

These regulatory changes will bring the Voluntary Registration of Family Day Homes – Requirements for Providers into conformity with amendments made to §§ 63.2-100 and 63.2-1704 of the Code of Virginia. These changes become effective July 1, 2016, as a result of house Bill 1570 and Senate Bill 1168.

The capacity of a voluntarily registered family day home is reduced from five children to four, exclusive of the provider's own children and any children who reside in the home. Definitions and capacity references are amended throughout the regulation. Other changes to the regulation include deleting outdated references to Title 63.1 of the Code of Virginia. The application form has been deleted from the regulation since the Department maintains all forms on the website to ensure the most current versions are available to the public.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 17, 2016 the State Board of Social Services approved the exempt action to amend the regulation Voluntary Registration of Family Day Homes – Requirements for Providers, 22VAC40-180.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation is being amended to reflect the reduction in the number of children permitted in voluntarily registered family day homes. This action will strengthen the protections to children and the rights of parents by reducing the number of children in a voluntarily registered family day home. The changes to the regulation should not have an impact in encouraging or discouraging economic self-sufficiency, assumption of responsibility, or marital commitment. Disposable family income may be increased or decreased depending on the cost of child care changes as a result of the capacity reduction. The Department has no discretion in this action as it is the result of a Code change.