



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-705
Regulation title	Child Protective Services
Action title	Comprehensive Review of the Regulation
Date this document prepared	December 6, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this planned regulatory action is to conduct a comprehensive review of the Child Protective Services regulation. The goals of any amendments to the existing regulation will be to enhance the well being of children and strengthen families, and to conform the regulation to the Code of Virginia.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the responsibility to make rules and regulations to carry out the purposes of social services. Chapter 15 of Title 63.2 of the Code of Virginia provides the authority for the Child Protective Services (CPS) program. The authority to conduct a comprehensive review of regulations is mandatory. Amendments to the regulation due to changes to the Code of Virginia are also mandatory. It is unknown, at this time, if there will be discretionary changes to the regulation resulting from public comment.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The provisions of the CPS regulation help to ensure the protection, safety and welfare of children in the Commonwealth. Regulatory action is needed at this time to incorporate changes to the Code of Virginia and to consider any public comment.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The State Board of Social Services is conducting a comprehensive review of the CPS regulation and will recommend amendments to reflect recent changes in the Code of Virginia to the definition of an abused or neglected child. The State Board of Social Services will also propose several amendments of a housekeeping nature, and may propose additional amendments based on public comment.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

There are no viable alternatives to the proposed regulatory action. Regulatory action is needed to conform the regulation to state law and to gather public input on possible additional changes.

Family impact

Assess the potential impact of the proposed 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 potential impact of the proposed regulatory action on the institution of the family and family stability is that it is likely to strengthen the authority and rights of parents in the education, nurturing and supervision of their children. It may encourage self-sufficiency and increased responsibility by parents for their children. The potential impact of the proposed regulatory action on the marriage commitment or disposable family income is unknown at this time.