



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-910-100
Regulation title	General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records
Action title	Clarification that release of findings or information is mandatory unless specifically exempted
Final agency action date	August 19, 2009
Document preparation date	August 19, 2009

Summary

The Administration for Children and Families (ACF) advised the Department of Social Services (DSS) that 22 VAC 40-910-100(B)(3)(b)(2) does not make clear that local departments of social services (LDSS) do not have the discretion to withhold findings or information about a case of child abuse or neglect resulting in a child fatality or near fatality. ACF has directed the State Board of Social Services to make the regulatory language consistent with the Child Abuse and Prevention Treatment Act (CAPTA), which requires states to have procedures or provisions that allow the public to access findings or information about a child abuse or neglect case that results in the fatality or near fatality of a child.

This regulatory action will clarify that release of these findings or information is mandatory by changing one word – “may” will be changed to “must.”

Statement of final agency action

The State Board of Social Services approved the final regulation 22 VAC 40-910-100, General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records, on August 19, 2009.

Family impact

This regulation enhances and increases the opportunities for public review of child abuse and neglect cases that resulted in a child fatality or near fatality. It protects the interest of the child by providing that nothing disclosed would be likely to endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person, or that may compromise the integrity of a Child Protective Services investigation, or a civil or criminal investigation, or judicial proceeding.