



# COMMONWEALTH of VIRGINIA

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## MEMORANDUM

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** January 24, 2014

**SUBJECT:** Final Regulation 22 VAC 40-191-10 et seq.  
Background Checks for Child Welfare Agencies

I have reviewed the above-referenced final regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulation are necessary to correct a technical error and ensure that the regulation conforms to the language in Virginia Code § 63.2-1720(C). Pursuant to § 2.2-4006(A)(3) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.