



**Virginia  
Regulatory  
Town Hall**

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-120
<b>Regulation Title:</b>	Minimum Standards for Licensed Family Day Care Systems
<b>Action Title:</b>	Repeal
<b>Date:</b>	April 19, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

As a result of the department's periodic review of this regulation as required by Executive Order Number Twenty-five (98), it was determined that since the regulation had not been amended since 1984, it needed extensive changes to improve clarity and readability, to incorporate statutory changes, and to incorporate current health and safety requirements. It was recommended that the existing regulation be repealed.

The purpose of repealing this regulation is to incorporate most of the current requirements and necessary amendments into the proposed regulation entitled Minimum Standards for Licensed Family Day Systems (22 VAC 40-121-10 et seq.).

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

§§ 63.1-25, 63.1-195, 63.1-196, and 63.1-202 of the Code of Virginia provide the legal authority for the State Board of Social Services to promulgate regulations for family day systems. The Code of Virginia mandates the licensure of family day systems by the Commissioner of Social Services. The State Board of Social Services is mandated to promulgate regulations for the activities, services, and facilities of family day systems to ensure that the activities, services, and facilities are conducive to the welfare of the children in care.

**Substance**

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

All of the requirements in the repealed regulation will be addressed in the proposed regulation.

**Alternatives**

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

The following methods were used to identify less burdensome and less intrusive alternatives for achieving the essential purpose of the regulation:

1. Notice of the 20-day public comment period for the periodic review published in The Virginia Register February 15, 1999;
2. Notice of the 20-day public comment period for the periodic review mailed to licensed family day systems, regional licensing offices, and individuals on the interested parties list for the regulation;
3. Interviews with regional licensing administrators and regional children’s programs licensing specialists;
4. Interviews with child care advocates and licensed family day systems’ staff;
5. Review of comments received during the 20-day public comment period for the periodic review;
6. Review of written suggestions received from the licensed family day systems;
7. Review of technical assistance questions that have been received on the current standards; and

8. Review of all other Virginia Department of Social Services' licensing standards for children's and adult's programs.

### Family Impact Statement

*Please provide a preliminary analysis of 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 repeal of this regulation will have no impact on the institution of the family or family stability.