



COMMONWEALTH of VIRGINIA  
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**MEMORANDUM**

**TO:** Nelson Smith  
Commissioner  
Department of Behavioral Health and Developmental Services

**FROM:** Braden J. Curtis  
Assistant Attorney General

**DATE:** August 2, 2022

**SUBJECT:** *Regulations for Children's Residential Facilities*  
Amendments to align with ASAM criteria in the children's residential licensing regulations  
12VAC35-46

I have reviewed the proposed replacement regulations, the *Regulations for Children's Residential Facilities*, 12VAC35-46, that were adopted by the Board of Behavioral Health and Developmental Services ("Board") on July 13, 2022. The Board has the authority to adopt these replacement regulations pursuant to Virginia Code § 37.2-203. The proposed regulations are constitutional and do not conflict with existing federal or state laws or regulations.