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Periodic Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-880
Regulation title	Child Support Enforcement Program
Date this document prepared	June 19, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

- Board – the State Board of Social Services
- Division – the Division of Child Support Enforcement within the Department of Social Services

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The State Board of Social Services is the promulgating entity. Section 63.2-217 of the Code of Virginia states that the Board shall adopt regulations, not in conflict with Title 63.2, as may be necessary or desirable to carry out the purpose of the title, which includes child support enforcement under Chapter 19.

In addition, §§ 63.2-1914, 63.2-1918, and 63.2-1946 of the Code of Virginia provide the Board with authority to adopt regulations related to specific aspects of the child support enforcement program.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The regulation guides the Department of Social Services' Division of Child Support Enforcement (Division) in providing child support services. A 2015 review substantially amended the regulation to remove unnecessary content. What remains adds clarity to the administration of the program and there are no alternatives to administrative regulation.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no public comments received during the public comment period that ended on 2/11/2019. No advisory group was formed to assist in the periodic review.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is essential to protect the health, safety, and welfare of citizens. Virginia's children need both financial and family support to grow and thrive. Child support helps provide money for food, shelter, education, clothing, and other costs in raising and nurturing children. The Division works with parents to establish and receive financial and medical support. The regulation clarifies important topics with respect to how the Division performs its mission.

The regulation is clearly written and easily understandable. When the regulation uses technical or legal terms, it is often for consistency with the corresponding provisions of the Code of Virginia. Such consistency better serves the public in understanding the regulation.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The agency recommends amending the regulation to enhance consistency with the Code of Virginia and applicable federal law. In addition, the Board may make simple amendments where necessary to the existing regulation for the purpose of clarity and reformatting of information to conform to the requirements of the *Form, Style, and Procedure Manual for Publication of Virginia Regulations*. The intent is to submit a Fast Track to start the process to make the suggested amendments.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

A continued need exists for the regulation. It provides clarity for the public on services provided, how the Division prioritizes cases, what factors can be considered for deviation from the child support guidelines, and other important topics. The regulation does not duplicate or conflict with any federal or state law.

There were no complaints or comments concerning the regulation from the public.

The regulation reduces complexity by providing needed clarifications. The Division works to make the program accessible for small businesses through a customer service center and online resources.

The regulation does not overlap, duplicate, or conflict with federal or state law or other regulation; however, a few technical corrections are needed to update outdated citations or add clarity.

The Board last evaluated the regulation in 2015 during a comprehensive review. In the last four years, technological changes have shaped Division processes and procedures. However, the regulation itself does not require or rely on particular technologies. Economic conditions also do not require a change in the regulation. While the Child Support Guidelines Review Panel periodically reviews the guidelines for determining the appropriate dollar amount of monthly child support payments, guideline changes are codified in statute, not in the regulation.

The Board's decision will minimize the economic impact of the regulation on small businesses. Eliminating the regulation would cause greater uncertainty in the Division's use of statutory mechanisms and increase the burden for small businesses.