



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40 -705
Regulation title	Child Protective Services
Action title	Amended Child Abuse Definition
Document preparation date	Enter date this form is uploaded on the Town Hall

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The only change is the addition of a clause to the definition of physical abuse that clarifies this definition includes instances of caretakers allowing children to be present during the sale or manufacture of Schedule I and II drugs. The amendment is needed in order to reflect changes to §§16.1-228 and 63.2-100 of the Code of Virginia, made during by the 2004 General Assembly.

Statement of agency final action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services took final action on 22 VAC 40-705-30, Child Protective Services, on August 18, 2004.

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
705-30 A		Defines physical abuse as occurring when a caretaker creates or inflicts, threatens to create or inflict or allows to be created or inflicted upon a child a physical injury by other than accidental means or creates substantial risk of death, disfigurement, or impairment of bodily functions.	Adds a clause to this definition to clearly state that the definition includes a caretaker allowing a child to be present during the sale or manufacture of illegal substances.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There may be an impact on families where the caretakers are selling or manufacturing illegal substances. Even though the definition would have already covered these situations that place children at risk of harm, the addition to the definition leaves no doubt that these are circumstances that warrant intervention by child protective services. It may put parents on notice that they are jeopardizing the integrity of the family unit by engaging in these activities with the children present.