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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-705
VAC Chapter title(s)	Child Protective Services
Action title	Exempt Amendment to Child Protective Services
Final agency action date	August 19, 2020
Date this document prepared	August 19, 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action is necessary to implement the requirements of legislation passed during the 2020 session of the General Assembly.

Chapter 38 (HB 287) of the 2020 Acts of Assembly amends the retention time for unfounded Child Protective Services investigations from one year to three years.

Chapter 5 (HB 778) and Chapter 228 (SB 412) of the 2020 Acts of Assembly (identical bills) amend the family assessment completion time frame from 45 days to 60 days and remove the ability of the local departments of social services (LDSS) to extend the completion time frame for the family assessment.

Chapter 6 (HB 1006) and Chapter 234 (SB 706) of the 2020 Acts of Assembly change the name of the sex trafficking assessment to the human trafficking assessment and allow LDSS conducting human trafficking assessments to interview the alleged child victim or their siblings, without the consent of and

outside the presence of the child's or sibling's parent, guardian, legal custodian, other person standing in loco parentis, or school personnel.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the responsibility to make rules and regulations to administer social services in the Commonwealth under Chapter 15 (63.2-1500 et seq.) of Title 63.2 of the Code of Virginia. The impetus is addressed in the previous section.

Statement of Final Agency Action

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 approved the exempt action for 22VAC40-705, Child Protective Services, on August 19, 2020.