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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)	22VAC40-705
VAC Chapter title(s)	Child Protective Services
Action title	Exempt CPS Regulatory Action-2022 Legislative Changes
Final agency action date	August 18, 2022
Date this document prepared	August 17, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 2022 Session of the Virginia General Assembly and to conform the existing regulation to current state law.

Chapter 366 (HB 1334) of the 2022 Acts of Assembly expands the definition of a caretaker in the criteria for a valid child protective services report or complaint of sexual abuse or sexual exploitation to include the alleged victim child's parent, caretaker, or intimate partner of such parent or caretaker. The regulatory action makes changes to reflect the expanded definition as found in §§ 16.1-228, 63.2-100, and 63.2-1508 of the Code of Virginia.

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). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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 9 (63.2-900 et seq.) of Title 63.2 of the Code of Virginia.

Chapter 366 (HB 1334) of the 2022 Acts of Assembly modify current mandates in both Virginia Code and Virginia Administrative Code.

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.

On August 17, 2022, the State Board of Social Services approved the exempt action to amend 22VAC40-705, Child Protective Services.