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**MEMORANDUM**

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

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

**DATE:** April 12, 2022

**SUBJECT:** Periodic Review of *Regulations for Children's Residential Facilities*  
12 VAC 35-46

In accordance with Code of Virginia § 2.2-4017 and Executive Order 14 (as amended July 16, 2018), I have reviewed the *Regulations for Children's Residential Facilities*, 12 VAC 35-46. These regulations are undergoing periodic review. In my opinion, the Board of Behavioral Health and Developmental Services ("Board") had the authority under Virginia Code § 37.2-203 to adopt the current regulations, and the Board has the authority to amend the regulations.