



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-295
<b>Regulation title</b>	Temporary Assistance for Needy Families
<b>Document preparation date</b>	December 10, 2008

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

Pursuant to § 63.2-217 of the Code of Virginia (Code), the State Board of Social Services (Board) has authority to promulgate rules and regulations necessary for operation of all assistance programs. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) transformed the welfare system from a mandated system into a block grant with state flexibility. These regulations are necessary for the state to regulate its state Temporary Assistance for Needy Families (TANF) program.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

PRWORA transformed the welfare system from a mandated system into a block grant with state flexibility. The previous program, Aid to Families with Dependent Children, was established primarily through federal regulations. With the implementation of a block granted program and the absence of a federal

regulations governing program eligibility, these regulations are necessary for the state to regulate its state TANF program.

**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. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Jean Ann LittleDave	For the immunizations for minors, instead of looking at the shot records, we need to just send a form with the clients to take to their doctor to check a box stating that either they are up to date or not. As eligibility workers are not trained medical professionals and have no way of knowing if the child is up to date without doing extensive research. To simplify, do the form, quit accepting shot records in lieu of, and make all agencies use the form as standard procedure.	Immunization requirements are not included in this regulation. Furthermore, guidance to local staff already allows for both of the commenter's suggestions.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

These regulations are necessary for the state to regulate its state TANF program. The regulations promote the safety and welfare of families by providing critical monetary assistance to poor families. The regulation was reviewed for clarity and no changes were found to be necessary. No public comment was received that indicated that the regulation was unclear or difficult to understand.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

The Board recommends that the regulation 22 VAC 40-295, *Temporary Assistance for Needy Families*, be retained without change.

## Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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This regulation provides the framework for qualifying for TANF. TANF provides assistance for families with children. This important resource strengthens families and provides an important and crucial support for poor families. The regulation respects the authority and rights of parents in the education, nurturing, and supervision of their children. It has no negative impact on economic self-sufficiency, self-pride, the assumption of personal responsibility, family income, or marital commitment.