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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)	22VAC40-191
VAC Chapter title(s)	Background Checks for Child Welfare Agencies
Action title	Amend the Background Checks for Child Welfare Agencies Regulation to Implement 2026 Legislation
Final agency action date	August 17, 2026
Date this document prepared	August 17, 2026

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 amends 22VAC40-191 to implement Chapter 726 of the 2026 Acts of Assembly, which consolidates existing barrier crimes exceptions applicable for foster or adoptive homes, including adult household members.

This amendment is necessary to ensure alignment with the statutory requirements established by Chapter 726 that will become effective on July 1, 2026.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This action will align the regulation with Chapter 726 of the 2026 Acts of Assembly. This legislation requires revisions to the existing regulation to incorporate statutory barrier crime exceptions applicable to applicants, and adult household members, for foster and adoptive homes approved by licensed child-placing agencies.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 17, 2026, the State Board of Social Services adopted final amendments to the Background Checks for Child Welfare Agencies, 22VAC40-191.