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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)	22VAC40-211
VAC Chapter title(s)	Foster and Adoptive Home Approval Standards for Local Departments of Social Services
Action title	Amend Chapter 211 for 2026 Legislative Changes
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 will amend 22VAC40-211, Foster and Adoptive Home Approval Standards for Local Departments of Social Services, to ensure it complies with 2026 legislative changes. Chapters 647 (HB 632) and 648 (SB 305) of the 2026 Acts of Assembly allow for a barrier crime waiver to be requested for prospective kinship foster parents and adult household members in the home. The amendments in this regulatory action are necessary to reflect these changes and to ensure that local departments perform a safety assessment, home inspection, and a permanency assessment before submitting a request for a waiver to the department.

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 regulatory action is necessary to implement the requirements of legislation passed during the 2026 Session of the Virginia General Assembly. The legislation requires the State Board of Social Services to promulgate regulations.

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)]."

The State Board of Social Services approved the exempt action for 22VAC40-211, Foster and Adoptive Home Approval Standards for Local Departments of Social Services, on TBD.