



**Virginia
Regulatory
Town Hall**

**Periodic Review and
Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-250
Regulation Title:	Agency Placement Adoptions - AREVA
Action Title:	Amend Result of Periodic Review
Date:	April 17, 2002

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation sets forth the functions and procedures for the Adoption Resource Exchange of Virginia (AREVA). AREVA provides photo-listings and narratives of children waiting for adoption and approved adoptive families.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Sections 63.1-25 and 63.1-56 of the Code of Virginia grant authority to the State Board of Social Services to promulgate regulations for the provision of foster care services that shall be directed toward the prevention of unnecessary foster care placements and toward permanent planning for children in the custody of or placed by local boards of social services. Rulemaking under these two sections is discretionary rather than mandatory.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

General notice for periodic review of this regulation was published in the July 2, 2001, Virginia Register for a 20-day comment period. No comments were received. This regulation was also reviewed by a work group of Department of Social Services Adoption staff, regional Adoption Consultants, and adoption staff from selected local agencies as part of an over all review of agency placement adoption policy.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goal of this regulation is to establish guidelines for AREVA operations. The regulation adequately clarifies the intent and functions of AREVA, registration requirements and agency responsibilities. AREVA is an essential tool for recruiting adoptive families for children waiting. Without registration of a child with AREVA, the child is likely to remain in foster care for a longer period of time before achieving permanency with an adoptive family. The regulation is clearly written and easily understandable by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

This regulation sets forth necessary guidelines for AREVA registration and maintenance. No alternatives have been suggested.

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

The agency recommends the regulation be amended to make the criteria of children to be registered consistent with criteria for eligibility for adoption assistance. Amendment is also

needed to lengthen the timeframe for registration following termination of parental rights. This is to ensure that the agency has sufficient time to receive the court order terminating parental rights before registration with AREVA. Other amendments are necessary to delete obsolete language, and to include reference to an automated adoption exchange.

Substance

Please detail any changes that would be implemented.

The agency recommends the following changes to the regulation:

22 VAC 40-250-10

“Agency”: Deletes obsolete language.

“Child with special needs”: Amends the eligibility criteria for adoption assistance. This is necessary because the children eligible for adoption assistance are the same children to be registered with AREVA.

22 VAC 40-250-20

1, f, (3): Deletes requirement that AREVA monitor agency submission of the Adoptive Placement Plan. The Adoptive Placement Plan is no longer used by local agencies.

2, a, (1): Lengthens the time in which children must be registered with AREVA from 30 to 60 days following termination of parental rights. This provides a longer period in which agencies can register children to ensure the agency has sufficient time to receive the court order terminating parental rights before registration with AREVA.

2, a, (2): Deletes requirement that agency submit a copy of the Adoptive Placement Plan as part of AREVA registration. The Adoptive Placement Plan is no longer used by local agencies.

2, b, (1): Lengthens the time in which approved families are registered with AREVA after their approval date from 30 to 60 days. This change makes the registration time-frame for families consistent with that of child registration.

2, b, (1), (b): Amends characteristic (b) regarding members of sibling groups by referencing continuity of relationships and adoption by the same family as key factors. This change is consistent with proposed changes in the eligibility criteria for adoption assistance.

2, b, (1) (d): Amends characteristic (d) regarding black, biracial or members of other minority races by adding a minimum age of three years of age or older. This change change is consistent with proposed changes in the eligibility criteria for adoption assistance.

3, b: Adds a provision allowing an additional 30-day deferment at the discretion of AREVA staff. This provides additional time when an adoptive family has been identified and placement is pending.

5, d: Adds a provision allowing AREVA staff to feature children on the state's electronic adoption exchange, in addition to the manual photo-listing.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed amendments to this regulation will have no impact on the authority and rights of parents to educate and supervise their children, or on the economic self-sufficiency and responsibility of individuals and families. The proposed amendments will have no impact on the marital commitment or disposable family income.

AREVA is the Department's primary tool for recruiting adoptive families for foster children. Timely registration of all children meeting the special needs criteria and of approved families will result in appropriate matches of children and families. This will facilitate the creation of stable, permanent families for foster children.