

## Exempt Action Final Regulation Agency Background Document



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|-------------------------------------------------------|-----------------------------------------------|
| <b>Agency name</b>                                    | State Board of Social Services                |
| <b>Virginia Administrative Code (VAC) citation(s)</b> | 22VAC40-111                                   |
| <b>Regulation title(s)</b>                            | Standards for Licensed Family Day Homes       |
| <b>Action title</b>                                   | Amend Licensure Threshold – Family Day Homers |
| <b>Final agency action date</b>                       | August 17, 2016                               |
| <b>Date this document prepared</b>                    | August 17, 2016                               |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The definition of "family day home" in § 63.2-100 of the Code of Virginia is being amended, effective July 1, 2016, to lower the threshold required for licensure to five children at any one time, exclusive of the provider's own children and any children residing in the home. The definition of "family day home" in 22VAC-40-111-10 is amended to reflect this Code change, to comply with House Bill 1570 and Senate Bill 1168 (2015).

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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The State Board of Social Services approved final action on 22VAC40-111, Standards for Licensed Family Day Homes, on August 17, 2016.

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent 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.*

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The changes to the regulation will strengthen the protections and increase the supervision for children in care by requiring licensure at a lower threshold. The changes to the regulation should not have an impact in encouraging or discouraging economic self-sufficiency, assumption of responsibility, or marital commitment. Disposable family income may be decreased if the cost of child care increases. The Department has no discretion in this action as it is the result of a Code change.