



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services, and Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 42-11
<b>Regulation title</b>	Standards for Interdepartmental Regulation of Children's Residential Facilities
<b>Action title</b>	Revise standards to meet current industry practices.
<b>Document preparation date</b>	Enter date this form is uploaded on the Town Hall

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style, and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

This regulation is intended to: (a) protect the vulnerable children who are separated from their families and reside in children's residential facilities and (b) assure that an acceptable level of care, treatment, and education are provided by the licensees.

### Legal basis

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

§§ 22.1-321, 22.1-323, 22.1-323.2, 16.1-309.9, 66-10, 66-24, 37.1-182, 37.1-183.1, 37.1-189.1, 63.2-217, 63.2-1701, 63.2-1703, 63.2-1737, 63.2-203 of the *Code of Virginia*.

The Interdepartmental Regulation Coordinating Committee is the promulgating entity. Regulation of children's residential facilities is mandatory.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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The purpose of the proposed action is to promulgate revised standards that protect the vulnerable children who are separated from their families and reside in children's residential facilities and to assure that an acceptable level of care, treatment, and education are provided. The regulation will also (1) comply with Federal regulation, (2) ensure that services provided to residents are appropriate for their needs, (3) bring the standards in line with current industry standards and needs, (4) clarify frequently misinterpreted standards and (5) delete unnecessary requirements.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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The only alternative is to leave the current regulation unchanged and out of date with current industry standards and needs.

**Family impact**

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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The proposed regulatory action will assure families whose children are placed in a children's residential facility that their child will be living in a safe environment and will receive the necessary care, treatment, and education.