



COMMONWEALTH of VIRGINIA  
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**MEMORANDUM**

**TO:** Nelson Smith  
Commissioner  
Department of Behavioral Health and Developmental Services

**FROM:** Braden J. Curtis  
Assistant Attorney General

**DATE:** June 30, 2022

**SUBJECT:** *Regulations for Children's Residential Facilities*  
Amendments to align with Family First Prevention Services Act  
12VAC35-46

I have reviewed the proposed replacement regulations, the *Regulations for Children's Residential Regulations*, 12VAC35-46, that were adopted by the Board of Behavioral Health and Developmental Services ("Board") on March 30, 2022. The Board has the authority to adopt these replacement regulations pursuant to Virginia Code § 37.2-203. The proposed regulations are constitutional and do not conflict with existing federal or state laws or regulations.