



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: NOËLLE L. SHAW-BELL
Assistant Attorney General II

DATE: June 10, 2008

SUBJECT: Proposed new regulation, 22 VAC 40-111
Standards for Licensed Family Day Homes

I have reviewed the above-referenced proposed regulation to determine whether the State Board of Social Services (“the Board”) has the statutory authority to promulgate the specified regulation.

Pursuant to Va. Code § 63.2-217, the State Board is required to promulgate regulations as may be necessary or desirable to carry out the purposes of Va. Code § 63.2-1701 and § 63.2-1734.

Consequently, it is my opinion that the Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 36 (2006), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3450.

cc. Kim F. Piner, Sr. Assistant Attorney General and Section Chief