



***COMMONWEALTH of VIRGINIA***  
***Office of the Attorney General***  
***Richmond 23219***

**Judith Williams Jagdmann**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

**MEMORANDUM**

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

**FROM:** ALLEN T. WILSON  
Assistant Attorney General

**DATE:**  TIME \@ "MMMM d, yyyy"  February 7, 2006

**SUBJECT:** Final Regulation 22 VAC 40-730-10 et seq.  
Investigation of Child Abuse and Neglect in Out of Family Complaints

I have reviewed the attached final regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulation are necessary to reflect the changes in Code by the adoption of Chapter 767 of the 2005 Acts of Assembly, which amended Virginia Code § 63.2-1511 relating to the investigation of abuse and neglect complaints against school personnel. Pursuant to §§ 2.2-4006(A)(3) and 2.2-4006(A)(4)(a) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.

Attachment