



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

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| <b>Agency name</b>                                 | State Board of Social Services                              |
| <b>Virginia Administrative Code (VAC) citation</b> | 22VAC40-880   |
| <b>Regulation title</b>                            | Child Support Enforcement Program                           |
| <b>Action title</b>                                | Child Support Enforcement Regulation Comprehensive Revision |
| <b>Date this document prepared</b>                 | June 15, 2011   |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### 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.*

The child support regulation supplements the statutory law by providing a framework to promote the efficient and accurate administration of the child support program. The primary functions of the child support program include locating noncustodial parents, establishing paternity, establishing and modifying child support orders and enforcing support obligations. This planned regulatory action is to conduct a comprehensive review of the child support regulation. The regulation has not been thoroughly reviewed since 2002. Statutory and program changes since that time require a complete review of all portions of the regulation to reflect current federal and state legislative and program requirements.

### Legal basis

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

Sections 63.2-217 and 63.2-1901 of the Code of Virginia (Code) provide the legal authority of the Board to promulgate regulations for the child support enforcement program.

## Need

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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The Child Support Enforcement Program protects the welfare of many children by locating noncustodial parents, establishing paternity and collecting child support. This regulation, the framework for the administration of the program, is essential. The existing regulation will be amended to reflect current statutes, insure terminology is up-to-date and not obsolete, remove any sections which are duplicative of statutes and insure the regulation provides appropriate guidance for the operation of the program.

## 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.*

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The Board is mandated by the Code to promulgate regulations to carry out the purposes of the social services program. This action is an in-depth review of the existing child support regulation. The goal is to insure the regulation accurately reflects the current federal and state statutory and federal regulatory requirements for the child support program.

## 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. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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There are no viable alternatives to the proposed regulatory action. A periodic review is due by June 30, 2011. This action opens the entire regulation for review and comment, meeting the spirit of the periodic review, and will allow the agency to make necessary updates.

## Public participation

*Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

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The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also

seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website, [www.townhall.virginia.gov](http://www.townhall.virginia.gov), or by mail, email, or fax to Alice G. Burlinson, Senior Assistant Attorney General, Division of Child Support Enforcement, 4504 Starkey Rd. S.W., Suite 103, Roanoke, VA 24018, 540-776-2779, 540-776-2797 (fax), [alice.burlinson@dss.virginia.gov](mailto:alice.burlinson@dss.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

In addition, the agency is seeking information on (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

A public hearing on the notice will not be held.

**Participatory approach**

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

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The agency invites comment on whether to use the participatory approach to assist the agency in the development of the proposed regulation.

**Family impact**

*Assess the potential impact of the proposed 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 proposed regulatory action will encourage economic self-sufficiency, self-pride, and the assumption of responsibility for one's children and potentially increase or decrease disposable family income, depending on the family. The regulation has no impact on the authority and rights of parents or marital commitment.

## Small business impact review

*Pursuant to § 2.2-4007.1 E and F each existing regulation shall be reviewed **at least once every five years** to ensure that it minimizes the economic impact on small businesses.*

***If this NOIRA will not include a review of the entire regulation for small business impact, please delete this entire section.***

*If this NOIRA will include a review of the entire regulation for small business impact, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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There is continued need for the regulation, as it provides the necessary framework for implementing statutory requirements. The regulatory process, including public comment received, will provide opportunity to ensure that the regulation is clear and easily understandable for users.

The current regulation will be reviewed to be sure it does not overlap, duplicate or conflict with other laws or regulations and the agency will ensure that any changes made as a result of this regulatory action follow suit. The last comprehensive review of this regulation was in 2002. Since that time, a number of technological and economic factors have come into play and will be considered when needed amendments are identified.

The current regulation does have an impact on small businesses by requiring cooperation in assisting the agency to collect support. The agency will consider these and other issues relative to impact on small businesses at the proposed stage, at which time we can benefit from any public comment received.