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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22VAC40-705
<b>Regulation title</b>	Child Protective Services
<b>Action title</b>	Substance Exposed Infants and Amended Reporting Requirements and Penalties
<b>Final agency action date</b>	June 21, 2012
<b>Document preparation date</b>	June 21, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

22VAC40-40 addresses reporting child abuse and neglect to Child Protective Services (CPS), including information regarding mandated reporters and reports concerning children exposed to controlled substances before birth. Amending 22VAC40-705-40 is necessary to comport with legislative changes from the 2012 Session of the General Assembly. Changes include:

- 1) Adding a requirement for persons who make a report on behalf of another mandated reporter to provide feedback to the initial reporter.
- 2) Reducing the timeframe considered for failure to report suspicions of child abuse and neglect by mandated reporters from 72 to 24 hours.

- 3) Adding an additional penalty of a Class 1 misdemeanor for failure to report cases of rape, sodomy, or object sexual penetration.
- 4) Adding a stipulation that if a person has actual knowledge a report has been made, they are not required to make the same report.
- 5) In the section regarding infants exposed to controlled substances before birth, changing the term attending physician to healthcare provider, changing the term fetal alcohol syndrome to fetal alcohol spectrum disorder, and changing the terms blood and urine tests to toxicology studies of the child.
- 6) Deleting the paragraph regarding the ability of the attending physician to designate hospital staff to make a report to CPS, because this is covered in more detail in section 22VAC40-705-40A.2.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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The State Board of Social Services took action on 22VAC40-705, Child Protective Services, on June 21, 2012.

**Family impact**

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

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This regulatory action amends matters related to mandated reporting of child abuse and neglect and will affect persons who are mandated to report. It has no direct impact on the institution of family or family stability.