



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-705
Regulation title	Child Protective Services
Action title	Review and amend Child Protective Services Regulation
Date this document prepared	February 21, 2013

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.

This regulatory action will provide for a comprehensive review of 22VAC40-705, Child Protective Services, including a review of any impact on small business. The action will incorporate the content of two regulations, Child Protective Services Central Registry Information, 22VAC40-700, and 22VAC40-720, Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces. The latter two regulations are being repealed as part of this action.

In addition, amendments will address recent Code changes and any other changes identified as necessary during the public comment forums. The goal of this regulatory action is to reduce the number of regulations addressing child protective services, ensure that the regulation complies with Code and is clear.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section, § 63.2-217 gives the State Board of Social Services (Board) the responsibility to make rules and regulations to carry out the purposes of social services. Section, § 63.2-1501 et seq. provides the authority for the Child Protective Services (CPS) 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.

The Board is required to conduct a review of the regulation. This action includes a general review of this regulation to ensure the regulation is essential to protect the health, safety and welfare of children. The Board must incorporate Code of Virginia changes pertaining to the regulation.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. 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.

The agency is conducting a review of the regulation and will be recommending amendments to the regulation to incorporate the content of two CPS regulations (22VAC40-700 and 22VAC40-720) which are being repealed as part of this action. In addition, amendments will address recent Code changes regarding mandated reporting of child abuse and neglect (§ 63.2-1509); any comments from the Office of the Attorney General; comments received during the public comment period for this NOIRA; and comments from any workgroup convened to review the regulation.

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.

No alternatives to the proposed regulatory action have been considered because a review of this regulation is required. This action is necessary in order to incorporate 22VAC40-700 and 22VAC40-720 which will decrease the number of regulations for Child Protective Services.

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.

Please also indicate, pursuant to your Public Participation Guidelines, whether a Regulatory Advisory Panel or a Negotiated Rulemaking Panel will be used in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

A panel will not be used however, the agency is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this 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) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to **Mary Walter, 801 E. Main Street Richmond, Va. 23219, (804) 726-7569, fax (804) 726-7499, or mary.walter@dss.virginia.gov.**

Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

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.

This regulatory action primarily clarifies instructions to local departments of social services regarding CPS procedures and incorporates three existing regulations into a single, comprehensive regulation. This regulatory action is not likely to impact the institution of the family and rights of parents in the education, nurturing and supervision of their children. This regulatory action does not directly impact economic self-sufficiency, self pride, and the assumption of responsibility for oneself, one's spouse, and one's children. This action does not directly impact marital commitment nor does it decrease disposable family income.

Periodic review/small business impact review announcement

This regulatory action includes a periodic/small business impact review of this regulation. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.