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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) Chapter citation(s)</b>	22 VAC40-201
<b>VAC Chapter title(s)</b>	Permanency Services – Prevention, Foster Care, Adoption, and Independent Living
<b>Action title</b>	Amend Permanency Regulation 2021
<b>Final agency action date</b>	8/19/2021
<b>Date this document prepared</b>	8/19/2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This regulatory action is necessary to implement the requirements of legislation passed during the 2021 session of the Virginia General Assembly and to conform the existing regulation to current state law.

Chapter 254 (SB 1328) of the 2021 Acts of Assembly creates the State-Funded Kinship Guardianship Assistance program (referred to in this regulation as the State-Funded Kinship Subsidy), which provides an additional permanency option for youth in foster care who are ineligible for the existing Kinship Guardianship Assistance Program (KinGAP). Chapter 535 (HB 1962) of the 2021 Acts of Assembly requires the child's relatives and fictive kin to be involved in the development of the child's foster care plan and changes the requirement for the child's involvement from a child 14 years of age and older to a child 12 years of age and older.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the responsibility to make rules and regulations to administer social services in the Commonwealth under Chapter 9 (63.2-900 et seq.) of Title 63.2 of the Code of Virginia.

Chapter 254 (SB 1328) of the 2021 Acts of Assembly creates the State-Funded Kinship Guardianship Assistance program and directs the Department of Social Services (DSS) to promulgate regulations to implement the provisions of this act, such as conditions for establishing a kinship guardianship, requirements for the development and amendment of a kinship guardianship assistance agreement, and circumstances that qualify a prospective kinship guardian for exemption from the relative foster home approval process.

## Statement of Final Agency Action

*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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On August 19, 2021, the State Board of Social Services approved the exempt action to amend 22VAC40-201, Permanency Services-Prevention, Foster Care, Adoption, and Independent Living.