



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40 -705-60 & 130
Regulation title	Child Protective Services
Action title	2003 Legislative Requirements
Document preparation date	October 22, 2003

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), 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 (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

Chapter 508, 2003 Acts of Assembly, added requirements regarding notification of parents/guardians and regarding filing a petition within four hours when a CPS worker has taken emergency custody of a child. Chapter 634, 2003 Acts of Assembly, changed the retention requirements for a CPS family assessment from one year to three years. Amendments to the regulations simply aim to make regulations coincide with these laws.

Statement of agency final 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.

The State Board of Social Services approved this final regulation, entitled Child Protective Services, on October 22, 2003.

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
Section 60		Outlines several authorities and responsibilities of local departments that relate to taking a child into custody on an emergency removal for up to 72-96 hours.	Adds two additional clauses to mirror the legislation that now requires local CPS staff to try to file a petition within four hours of removal and to notify the parent or guardian in person of the removal.
Section 130		Requires the record of the family assessment to be purged one year from the date of the report.	Changes the retention requirements for a completed family assessment from one to three years from the date of the report.

Family impact

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

The proposed change to Section 60 strengthens and supports the rights of parents in regard to receiving timely notification when a child has been removed from their custody. The change in Section 130 is also supportive of families in that the change allows a longer retention of vital information regarding the parents’ ability to protect their child from maltreatment and regarding the needs of the family identified in the family assessment.