



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: **L. RICHARD MARTIN, JR.**
Virginia Department of Social Services

FROM: **ALLEN T. WILSON**
Assistant Attorney General

DATE: February 13, 2003

SUBJECT: Repeal of Regulation 22 VAC 40-190-10 et seq.
Proposed Regulation 22 VAC 40-191-10 et seq.
Background Checks for Child Welfare Agencies

I have reviewed the proposed repeal of 22 VAC 40-190-10 et seq., Regulation for Criminal Record Checks for Child Welfare Agencies. I also have reviewed the proposed regulation, 22 VAC 40-191-10 et seq., Background Checks for Child Welfare Agencies, which is being proposed to replace 22 VAC 40-190-10 et seq.

It appears that the State Board has the authority to repeal 22 VAC 40-190-10 et seq. and promulgate its replacement, 22 VAC 40-191-10 et seq., and has not exceeded that authority. These actions are subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002).

If you have any questions, please feel free to call me at 786-3890.