



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

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MEMORANDUM

TO: RICHARD L. MARTIN
Policy and Planning Manager
Department of Social Services

FROM: A. CAMERON O'BRION
Assistant Attorney General

RE: Amended Regulation of Voluntary Registration of Family Day Homes; Requirements for Contracting Organizations (22 VAC 40-170)

DATE: April 8, 2004

I have reviewed the attached proposed amended regulations relating to the Voluntary Regulation of Family Day Homes - Requirements for Contracting Organizations. You asked the Office of the Attorney General to review and determine if the State Board of Social Services has the legal authority to amend the attached proposed regulations and to identify any federal or state mandates regarding this regulation.

Based on that review, it appears that the State Board of Social Services, acting pursuant to Va. Code §§ 63.2-217 and 63.2-1704, has the authority to amend the attached regulations and has not exceeded that authority. Amendment of these regulations, however, is subject to compliance with provisions of Article 2 of the Administrative Process Act.

If you have any questions or concerns, please feel free to contact me.

Cc: Kim Piner

Attachment