



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-410
Regulation Title:	Entitlement Date in the General Relief Program
Action Title:	Periodic Review
Date:	June 19, 2002

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the date that entitlement will begin for individuals or families found by agency action to be eligible for maintenance payments through the General Relief Program.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The state source of legal authority for this regulation is the *Code of Virginia*, §§ 63.1-25 and 63.1-106. There is no federal source of legal authority for this regulation. This regulation does not exceed the scope of the state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received for this regulation. A notice was published for a 30-day public comment period to review this regulation in the *Virginia Register*. Notices were also sent to interested parties and all local departments of social services.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goal of this regulation is to ensure that General Relief payments are made to families in a timely and consistent manner. This regulation is necessary to protect the health and welfare of these families. In doing so, this regulation has a positive impact on the institution of the family and family stability. The regulation is written for simplicity and clarity and has been in place since January 1987.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

No alternative was offered or considered to achieve the purpose of the existing regulation. The current regulation offers the least burdensome alternative available for achieving its purpose.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

It is recommended that this regulation remain in effect without amendment.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation affects individuals and families served by the General Relief Program supervised by the Virginia Department of Social Services and administered by local social services departments. The General Relief Program provides families with increased income for certain everyday needs such as medical assistance and assistance for unemployable individuals. The General Relief Program encourages them to use this funding as they seek ways for self-sufficiency. This regulation is designed to establish an eligibility date for individuals and families found by agency action to be eligible for maintenance payments and is intended to make eligibility consistent and equitable throughout the Commonwealth. By knowing when payments will begin and how they will be distributed, families can plan for ways to build self-sufficiency and be responsible for the family members.