



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 40-630
Regulation Title:	Disability Advocacy Project
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 describes the populations that may be served through the General Relief program; delineates the duties of an advocacy provider; identifies persons with whom the agency may contract for advocacy services, specifies if the agency elects to provide disability advocacy services; and, specifies terms for disbursement for the advocacy provider.

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*, Sections 63.1-25 and 63.1-89.1. There is no federal source of legal authority for this regulation. This regulation does not exceed the scope of the 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 regulation is designed to establish a base of advocacy services to be provided to recipients of the interim assistance component of General Relief or children receiving state and local foster care who have received written notification from the Social Security Administration that their disability claims at the application or reconsideration level have been denied. The intent of the regulation is to assure that targeted persons receive prompt and competent legal assistance in assessing potential eligibility for federal disability benefits and, when appropriate, in appealing the denial of the claim. The regulation is intended to protect the rights of eligible persons to federal disability benefits.

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 who are recipients of the interim assistance component of General Relief or children receiving state and local foster care who have received written notification from the Social Security Administration that their disability claims at the application or reconsideration level have been denied. By assisting persons to receive legal assistance in assessing potential eligibility for federal disability benefits and, when appropriate, in appealing the denial of the claim, family members can plan for ways to build self-sufficiency and be responsible for their family members.