



COMMONWEALTH of VIRGINIA  
Office of the Attorney General

William C. Mims  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

MEMORANDUM

TO: Anthony Conyers  
Commissioner  
Department of Social Services

FROM: Jane D. Hickey  
Senior Assistant Attorney General  
Chief/Health Services Section

DATE: July 20, 2009

SUBJECT: *Standards for Interdepartmental Regulation of Children's Residential Facilities, 22 VAC 42-11 et seq.*

I have reviewed the proposal to repeal the *Standards for Interdepartmental Regulation of Children's Residential Facilities, 22 VAC 42-11 et seq.* The Coordinating Committee for Interdepartmental Regulation of Children's Residential Facilities has the authority to repeal the Regulation and is required to do so upon promulgation of regulations by the Boards of Social Services, Juvenile Justice and Mental Health, Mental Retardation and Substance Abuse Services in accordance with the 2008 Acts of Assembly, chapter 873. The regulations promulgated by the Boards of Social Services and Juvenile Justice are now effective and those of the Board of Mental Health, Mental Retardation and Substance Abuse Services will become effective August 6, 2009. Upon the effective date of the last set of regulations, the Coordinating Committee has the authority to repeal these regulations.

Repeal of the regulations does not exceed the Coordinating Committee's authority, is consistent with constitutional principles, and does not conflict with state or federal law or regulations. Repeal of these regulations is exempt from the requirements of Article 2 of the Administrative Process Act, pursuant to § 2.2-4006(A)(4)(a), because it is necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

If this Office can be of further assistance, please feel free to contact us.

