



Virginia
Regulatory
Town Hall

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Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-720
Regulation title	Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces
Document preparation date	October 18, 2006

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the *Code of Virginia* gives the State Board of Social Services the responsibility to make rules and regulations to carry out the purposes of social services. Section 63.2-1503 (N) of the *Code of Virginia* specifically references the provision of Child Protective Services (CPS) information to family advocacy representatives of the United States Armed Forces.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No alternatives to the existing regulation were considered because the *Code of Virginia* requires local departments of social services to share certain CPS information with family advocacy representatives of the United States Armed Forces.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Robyn Dillon	I have no suggested amendments, and think they should be retained in their current forms.	Acknowledgement of the response.
Christine Marra, Virginia Poverty Law Center	Suggests listing the elements of a valid report or complaint in the definition of valid report. Questions if information can be shared prior to the completion of the CPS Investigation and whether information is shared when the complaint is unfounded	The specific elements of a valid report are noted in the <i>Code of Virginia</i> and in CPS Policy and are unnecessary in the definition section of the regulation. The regulation allows a local agency discretion when the release of information is determined to be in the best interest of the child. There is no requirement to share information except when there is a founded CPS investigation. The existing regulation provides adequate protection to the alleged abuser's privacy.

Two comments were received during the periodic review. One comment supports the existing regulation. The other comment suggests expanding the definition of valid report in the regulation and questions if local agencies can share information throughout the CPS process. The existing regulation provides sufficient definition for valid CPS report and balances the best interest of the child with the privacy of alleged abusers.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set out in Executive Order 21 and is necessary for the protection of public health, safety and welfare. The regulation is as clear and concise as possible. The agency has received no comment that the regulation is difficult to understand.

Result

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

The State Board of Social Services recommends that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

Before this regulation was promulgated in 1994, CPS policy allowed information sharing between local agencies and Family Advocacy Programs on a discretionary basis. This discretion resulted in some military families not being tracked, and/or children at risk in these families not receiving needed services for protection purposes. This regulation appears to be in the best interest of children at risk by mandating the sharing of information in founded cases of child abuse/neglect between the local department of social services and the Family Advocacy Program. Military families can receive services through family advocacy programs and through coordination of services with local community programs. Parents will receive support to prevent further child abuse and neglect and increase child safety.