



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: January 21, 2003

SUBJECT: Proposed Amendments to 22 VAC 40-260-10 et seq.
Agency Placement Adoptions-Subsidy

I have reviewed the proposed amendments to the above-referenced regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the amendments to the regulation and if this action by the State Board comports with applicable state law.

It appears that Virginia Code §§ 63.2-217 and 63.2-900 the State Board has the authority to promulgate the proposed amendments to the regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002). The proposed amendments do not exceed the State Board's authority. The amendments are necessary to ensure that the regulation is consistent with the needs of the children who are awaiting adoption, increase accountability in the administration of subsidies and clarify several topics. Additionally, the amendments incorporate language regarding appeals contained in 22 VAC 40-270-10 et seq., which is before the State Board for repeal.

If you have any questions, please feel free to call me at 786-3890.