



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-810
Regulation title	Fees for Court Services Provided by Local Departments of Social Services
Action title	Repeal Outdated Regulation
Date this document prepared	April 19, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

This action repeals 22 VAC 40-810 entitled Fees for Court Services Provided by Local Departments of Social Services. Standards on this topic are now included in a new comprehensive regulation, currently under promulgation. This outdated, stand-alone regulation is no longer needed.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority for this action is found in §§ 63.2-217 and 63.2-319 of the Code of Virginia.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Standards dealing with permanency for children were contained in eight separate regulations, with 22 VAC 40-810 included in the eight regulations. A new regulation is being promulgated to incorporate all aspects of permanency into a single comprehensive regulation, including the topic of fees for court services. The single comprehensive regulation is essential to protect the health, safety and welfare of children in the Commonwealth because it will strengthen the regulatory infrastructure of programs providing for the permanency of children.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

This action is to repeal 22 VAC 40-810 entitled Fees for Court Services Provided by Local Departments of Social Services.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

There is no alternative to repealing this regulation. Failure to do so would result in the subject matter of the regulation being addressed in two separate regulations which could result in confusion and inconsistency.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Repealing this regulation has no impact on the institution of the family and family stability.