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Regulatory
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Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-340
Regulation title	Protective Payments in the Aid to Families With Dependent Children (AFDC) and Refugee Other Assistance Programs
Action title	Remove References to AFDC from Protective Payments in the Aid to Families with Dependent Children (AFDC) and Refugee Other Assistance Programs
Document preparation date	March 10, 2004

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

This regulation is being amended by deleting references to the AFDC program. Therefore it will apply only to the Refugee Other Assistance Program. Language from this regulation regarding protective payments will be included in the comprehensive regulation for Temporary Assistance for Needy Families, 22 VAC 40-295.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

This regulation was amended by action of the State Board of Social Services on March 10, 2004.

Legal basis

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

The Code of Virginia, §63.2-217, as amended, places responsibility on the State Board of Social Services to make rules and regulations necessary to carry out the purpose and intent of the sections of the Code related to social services.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

To reduce regulations, this regulation is being amended so that it does not apply to the TANF, formerly AFDC, Program. Simultaneously, a comprehensive TANF regulation is being promulgated. Up to this point, separate regulations have been promulgated that deal with different aspects of the TANF program. The result is that the eligibility rules are contained in many different regulations and it is difficult to access and understand the different regulations. The necessary language from this regulation will be contained in the comprehensive TANF regulation, 22 VAC 40-295.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

This regulation will no longer apply to the TANF, formerly AFDC, Program. However, the requirements of this regulation will be contained in the comprehensive TANF regulation, 22 VAC 40-295-10.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The public will benefit from the consolidation of TANF regulations because it will be easier to access all rules regarding TANF at one time, rather than having to research approximately 30 different regulations. The public will benefit by having easier access to the rules they are governed by. The Commonwealth will benefit because only one regulation will contain the program rules for TANF. Less time will have to be used for review and maintenance of the regulation. There are no disadvantages to the public or Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes have been made since the proposed stage.

Public comment

Please summarize all comment received during the public comment period following the publication of the proposed stage, and provide the agency response. If no public comment was received, please so indicate.

No comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
Title and section 10	same	This regulation currently applies to the AFDC and Refugee Programs.	This regulation is being amended by removing references to AFDC. In this way, it will only apply to Refugee Programs.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

Because the language from this regulation will be contained in the proposed regulation Temporary Assistance for Needy Families 22 VAC 40-295-10, the action to amend this regulation will have no impact on families.