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Periodic Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-730
Regulation title	Investigation of Child Abuse and Neglect in Out of Family Complaints
Date this document prepared	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

LDSS—local department(s) of social services
OOF—out of family

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the responsibility to make rules and regulations to administer social services in the Commonwealth under Chapter 15 (63.2-1500 et seq.) of Title 63.2 of the Code of Virginia. Sections 63.2-1506, 63.2-1511 and 63.2-1516.1

provide additional legal mandates for Child Protective Services Investigations in out of family (OOF) settings.

Alternatives

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

There are no other alternatives to the proposed regulatory action, as a periodic review of this regulation is required. The regulation provides guidance to the LDSS in conducting Child Protective Services investigations in OOF settings. There are no less intrusive or less costly alternatives for small businesses as this regulation does not impact small businesses.

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. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no public comments received during the public comment period that ended on August 27, 2018.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is essential to protect the health, safety, and welfare of citizens because it governs the investigation of child abuse and neglect in OOF settings. The regulation increases collaboration with other regulatory agencies to conduct joint child abuse and neglect investigations. It helps reduce child abuse and neglect in OOF settings.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The agency recommends the regulation be amended to be consistent with 22VAC40-705 Child Protective Services, the Code of Virginia, and applicable federal law. In addition, the agency proposes simple amendments to the existing regulation for the purpose of clarity and reformatting of information to conform to the requirements of "Form, Style, and Procedure Manual for Publication of Virginia Regulations."

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is necessary because it governs the investigation of child abuse and neglect in OOF settings. No complaints or comments were received during the review. The regulation does not duplicate or conflict with any federal or state law. The regulation has no impact on small business, as it does not include any language that prescribes limitations or requirements on small business. The regulation was last reviewed in 2014 and no changes in technology or other factors impact the regulation.

The regulation is being amended to be consistent with 22VAC40-705 Child Protective Services, the Code of Virginia, and applicable federal law. In addition, clarification and updates to the language in the regulation are needed.