



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

TO: KARIN CLARK
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Senior Assistant Attorney General

DATE: October 22, 2013

SUBJECT: Proposed Emergency Regulation 22 VAC 40-201
Permanency Services – Prevention, Foster Care,
Adoption and Independent Living

I have reviewed the proposed emergency regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the attached proposed emergency regulation and if the proposed emergency regulation comports with applicable state law.

Chapter 437 of the 2013 Acts of Assembly requires the State Board to promulgate regulations within 280 days of its enactment. Pursuant to Virginia Code 2.2-4011, the regulation required by the legislation must be promulgated as an emergency regulation. This regulation is necessary to comply with that requirement. It appears that the State Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0095.