



townhall.virginia.gov

Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-131
VAC Chapter title(s)	Standards for Licensed Child-Placing Agencies
Action title	Amend Licensed Child-Placing Agencies Regulation
Date this document prepared	December 13, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Standards for Licensed Child-Placing Agencies, 22VAC40-131, provide requirements for the public and Virginia Department of Social Services (VDSS) to evaluate the safety and stability of care that children and youth receive from licensed child placing agencies (LCPA). This regulation provides standards for placement and current practices that ensure the well-being of children and youth in foster care, adoption and independent living services.

Proposed amendments in this action are intended to bring the regulation into alignment with federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and the Family First Prevention Services Act of 2018. This regulatory action will also align with applicable requirements in Permanency Services-Prevention, Foster Care, Adoption, and Independent Living, 22VAC40-201 and Resource, Foster and Adoptive Family Home Approval Standards, 22VAC40-211. This action will align the regulation with state and federal law, removing and adding definitions, clarifying language, and making technical edits and any other changes deemed necessary after public comment and review.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

LCPA-Licensed Child-Placing Agencies
VDSS-Virginia Department of Social Services

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Federal mandates and changes to the Code of Virginia (Code) precipitate this regulatory action.

This action will align the regulation with in the following federal laws: Preventing Sex Trafficking and Strengthening Families Act of 2014 that mandates reasonable and prudent parent standard defined in 42 U.S.C. § 675 (10) (A) and policies and procedures to support normalcy for children in foster care and Family First Prevention Services Act that mandates foster family homes care for not more than six children in foster care and provide training for staff to deliver trauma-informed care.

The following Code changes resulted in regulatory change to align with the Code: In 2016, § 63.2-904 mandated VDSS to establish reasonable and prudent parenting standards and normalcy for children in foster care; 2019, added §§ 20-166 and 20-167 adding the requirement of the LCPA's role in the power of attorney to delegate paternal or legal custodial powers; and 2019, § 63.2-902, mandated the department promulgate regulations to include the Foster Parent Bill of Rights and the foster parent dispute resolution process.

Legal Basis

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

The State Board of Social Services has the legal authority to adopt regulations and requirements for LCPAs in accordance with §§ 63.2-217 and 63.2-1734. The Code mandates promulgation of regulations for the activities, services and facilities to be employed by persons and agencies required to be licensed which shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies. This regulatory action will provide direction regarding the provision of these services.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

In accordance with § 2.2-4007.01 of the Code, the State Board of Social Services intends to amend the current Standards for Licensed Child-Placing Agencies, 22VAC40-131 to revise current regulations and incorporate new standards that reflect federal and state health and safety requirements.

This regulatory action will revise the regulation and align it with state and federal requirements to protect the health, safety, and welfare of the children and families involved with licensed child-placing agencies.

The goals of this proposed action are to: (i) update regulations to comply with state and federal requirements; (ii) update current licensing regulations to ensure consistency; and (iii) present a clearly written regulation that reflects current state and federal guidelines and practices in licensed child-placing agencies. Amendment of the existing regulation was determined by the State Board of Social Services as the most efficient and effective way to make the necessary changes to achieve clarity, consistency, and to protect children.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

This regulatory action will incorporate technical information, language, and processes necessary to ensure consistency with state and federal law. Substantive amendments include:

- Adds the requirements for a temporary placement provider for children placed from a parental or legal custodial powers delegation;
- Adds the requirements of the licensee to cooperate with the Office of Children's Ombudsman;
- Adds training topics for staff and foster and adoptive parents;
- Adds the requirement for foster parent bill of rights and dispute resolution process;
- Clarifies and adds requirements about medication storage to ensure child's safety;
- Revises the maximum number of children in care in a foster or short-term foster home;
- Clarifies who are the parties that agree for a noncustodial foster care agreement and parental agreement;
- Updates and clarifies responsibilities to ensure educational needs of foster care children are met;
- Adds the requirements of the licensee who holds custody of the youth to maintain and give certain documents to the youth at the time of discharge; and
- Adds, revises and deletes definitions, language, and technical edits necessary for clarification of existing requirements.

Issues

Identify the issues associated with the regulatory change, 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 there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

This regulatory change poses no disadvantages to the public, the agency, or the Commonwealth. The primary advantages of this action include amendments for the health, safety and welfare of children and families involved with licensed child-placing agencies by ensuring consistency with state and federal law. The primary advantages to the agency or the Commonwealth include amendments that strengthen the protection offered to children by providing a regulatory framework for service provision to children and families in need of stability through foster care, independent living and adoption services by specifying how services are to be provided. There are no other pertinent matters of interest to the regulated community, government officials, and the public.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements in this regulatory action that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

Other State agencies are not particularly affected by the regulatory change.

Localities Particularly Affected

Localities are not particularly affected by the regulatory change.

Other Entities Particularly Affected

Other entities are not particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.	There is no economic impact to implement this regulation. The development of regulatory action and monitoring of adherence to the regulation will be routine job responsibilities and performed with existing division funding.
<i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There is no anticipated fiscal impact for other state agencies.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The benefits of the regulatory change will bring the regulation into compliance with existing state and federal laws to ensure agencies provide safe placements and services for the safety and well-being of children.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There is no anticipated fiscal impact for localities.
Benefits the regulatory change is designed to produce.	The benefits of the regulatory change will bring the regulation into compliance with existing state and federal laws to ensure agencies provide safe placements and services for the safety and well-being of children.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	This regulation affects private licensed child-placing agencies.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are approximately 153 licensed child-placing agencies that are small businesses and will be affected.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:	There are no anticipated training costs for trauma and trauma-informed services, as there are free training resources available to meet this requirement.

a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There is no revenue loss for reducing the number of maximum capacity for foster care children in a foster home to comply with the Family First Prevention Services Act of 2018. Funding received is to cover the daily living cost for caring for the specific foster care child in the home. This regulatory change does not have any anticipated costs related to the development of real estate for commercial or residential purposes.
Benefits the regulatory change is designed to produce.	The benefits of the regulatory change will bring the regulation into compliance with existing state and federal laws to ensure agencies provide safe placements and services for the safety and well-being of children.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no alternatives to this regulatory action as this change brings the regulation into compliance with existing state and federal laws. The least burdensome method is to amend the regulation. No other less intrusive or costly alternatives for small businesses are available to achieve the purpose of this regulation.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There are no alternatives to this regulatory action as this change brings the regulation into compliance with existing state and federal laws. The least burdensome method is to amend the regulation. No other less intrusive or costly alternatives for small businesses are available to achieve the purpose of this regulation.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

A periodic review was announced with the NOIRA on August 21, 2019. This action complies with requirements in Executive Order 19. This regulation is essential to support the health, safety and permanency of children in foster care and facilitate the provision of foster care, adoption and independent living services to children, families, and youth. This regulation is complex by providing rules for private child placing agencies to place children and youth in safe, stable and secure living arrangements and the State Board of Social Services is mandated to adopt regulations for child welfare agencies pursuant to § 63.2-1734. No public comments on the content of this regulation were received, the comment requesting to be on the panel discussion of this regulation was addressed.

This regulation does not conflict with federal or state law or regulation. This regulation became effective on July 17, 2013 with two exempt actions completed on October 19, 2017 and October 17, 2019. This regulation is the best alternative to minimize the economic impact on licensed child-placing agencies, small businesses, while ensuring the protection and well-being of children.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Abigail Schreiner, Virginia Association of Licensed Child Placing Agencies	The Virginia Association of Licensed Child Placing Agencies (VALCPA) would like to recommend Kate Means and Rebecca Ricardo to represent our association on the work group that will be formed to make required changes to 22VAC40-131 Standards for Licensed Child Placing Agencies.	Representatives from the Virginia Association of Licensed Child-Placing Agencies were invited and participated in the regulatory advisory panel to discuss the proposed changes.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Department of Social Services is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Alisa Foley, at 801 East Main Street, Richmond, Virginia, a.foley@dss.virginia.gov, or 804-726-7138. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action. A Regulatory Advisory Panel (RAP) meeting was held on May 6, 2022 to provide input and feedback to the proposed regulation.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Throughout chapter	n/a	The term "standards" is used.	Replaced the term "standards" with "regulations" or "requirements" for clarification.
		The term "resource" is used.	Removed the term "resource" and "resource parent" to ensure consistency with the Code definitions of "adoptive home" and "foster home."

		The term “short-term foster care” is used. The term “youth” is used. The terms “he, his, and him” are used.	Replaced the term “short-term foster care” with “respite care” and other adjustments to ensure consistency with the term used in 22VAC40-211, Foster and Adoptive Home Approval Standards for Local Department of Social Services and in the Code of Virginia. Added the term “youth” when referencing “child” when the term applies to youth as defined in the regulation. Replaced the terms with the individual the regulation requirement applies to for clarification. The intent is to protect children and youth.
10		This section defines terms used throughout the regulation.	Removed the following definitions because the word or term was not used in this regulation: • “Dual approval process” • “Mental abuse” • “Mutual selection” Removed the following definitions: • “Resource parent” to ensure consistency with § 63.2-100 of the Code of Virginia definitions of “adoptive home” and “foster home.” • “Serious incident reports” to define the term “serious incident” • “Special needs” to define the term as used in the regulation as “children with special needs” to clarify that the term is used when referencing adoption and to correspond with § 63.2-1300 of the Code of Virginia Moved the following definitions to the section where the word was only used one time in the regulation: • “Career and technical education” to 22VAC40-131-440 • “In-service training” to 22VAC40-131-230 Revised the following definitions to correspond with the definition in § 63.2-100 of the Code: • “Child”

		• “Child-placing agency” • “Foster care placement” • “Foster home” • “Independent living arrangement” • “Independent living services” Revised the following definitions to correspond with the definition in 22VAC40-201, Permanency Services Prevention, Foster Care, Adoption and Independent Living: • “Interstate Compact on the Placement of Children” • “Youth” Revised the following definitions: • “Background check” to add the Code citation for LCPA background check requirements. • “Caretaker” and ‘short-term foster care’ to align with 22VAC40-211, Foster and Adoptive Home Approval Standards for Local Department of Social Services. • “Case management” to clarify that case management is not limited to individuals eligible for Medicaid. • “Child-placing activities” to broaden the definition to include involved parties. • “Corporal punishment” to remove “but not limited to” for clarification. • “Foster care services” to include independent living services for individuals over 18 years of age who have not yet reached 21 years of age. Added the following definitions: • “Community policy and management team” to provide clarification for the term used in the regulation. • “Noncustodial foster care agreement” to clarify how the term is used in the regulation. • “Normalcy” to provide clarification for the term used in the regulation. • “Parental agreement” to clarify how the term is used in the regulation. • “Permanency” to provide clarification for the term is used in regulation.
--	--	---

			• “Reasonable and prudent parent standard” to provide clarification for the terms used in regulation. • “Serious incident” to clarify the nature of incidents the licensee must report to safeguard children’s health and safety. • “Temporary placement provider” to provide clarification for the term used in the regulation. • “Trauma” to provide clarification for the term used in the regulation. • “Trauma informed” to provide clarification for the term used in the regulation. All amendments in this section ensure consistency with definitions in § 63.2-100, 22VAC40-201, and 42 U.S. Code § 675. The intent is to protect children and youth.
20		This section addresses the scope and applicability of the regulation.	Added that this regulation applies to LCPAs that assist with the process of delegating parental and legal custodial powers of their children pursuant to § 20-166. Amendment in this section ensures consistency with state law and the intent is to protect children and youth.
40		This section addresses licensee requirements.	Added that the department’s representative is allowed to conduct announced and unannounced inspections on approved independent living settings pursuant to § 63.2-1706. Added the requirement of compliance with the Office of Children’s Ombudsman pursuant to § 2.2-445. Amendments in this section ensure consistency with state law and the intent is to protect children and youth.
80		This section addresses capacity and maximum caseloads.	Clarified that children may be placed directly by the licensee or another child-placing agency not only a “licensed” child-placing agency. Added a temporary placement provider as a LCPA setting to include in caseload and capacity count. Added the licensee shall include a child for whom an order of reference has been entered while waiting on the final

			order of adoption in the capacity count pursuant to §63.2-1208. Amendments in this section ensure consistency with state law and the intent is to protect children and youth.
90		This section addresses the agency's policy and procedures.	Removed the date for the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15 to ensure LCPAs use the most current requirements. Added that written policies and procedures shall be developed to address normalcy pursuant to the Preventing Sex Trafficking and Strengthening Families Act of 2014 and § 63.2-904 and trauma informed approach to care pursuant to the Family First Prevention Services Act. Amendments in this section ensure consistency with state and federal laws and the intent is to protect children and youth.
140		This section addresses staff composition and qualifications.	Clarified that a program director and a child-placing supervisor without a doctorate or master's degree in social worker shall have a doctorate or master's degree in a comparable human services field. The intent is to protect children and youth.
150		This section addresses staff development.	Removed the training topic requirement of broadcasts issued by the Department of Social Services because these broadcasts are on an intra-agency website not available to the public. Added trauma and the impact of trauma as training topics included in initial orientation. The intent is to protect children and youth.
160		This section addresses personnel records.	Clarified that the personnel records are maintained for each student or intern. The intent is to protect children and youth.
	165	This new section addresses the requirements for the foster parent bill of rights	Added that the LCPA shall provide the Foster Parent Bill of Rights to all foster parents and maintain a copy in the file

		and dispute resolution process.	as required by the House Bill 2108 (2019) enactment clause. Added the dispute resolution process for foster parents be followed in accordance with § 63.2-902. Added copies of the recommendations for correction actions through the dispute resolution process be maintained in the foster parent's record. Amendments in this section ensure consistency with state laws and the intent is to protect children and youth.
170		This section addresses the program's statement and description	Added that temporary placement providers shall include a program purpose and population served in the written program statement. Added that the licensee describes services provided by temporary placement providers to children and families pursuant to §§ 20-166 and 20-167. Added that the licensee will update the program statement and description prior to any license modifications. Amendments in this section ensure consistency with state law and the intent is to protect children and youth.
180		This section addresses the home study requirements	Added that the results in the driver record check is considered in the approval process and ensuring that the applicant has a valid driver's license to be consistent with 22VAC40-211, <i>Foster and Adoptive Home Approval Standards for Local Departments of Social Services</i>. Added that the applicant and other adults who transport children shall have a valid driver's license and the vehicle used to transport the child have a valid registration, in-force automobile insurance, and inspection sticker to be consistent with 22VAC40-211, <i>Foster and Adoptive Home Approval Standards for Local Departments of Social Services</i>. The intent is to protect children and youth.

190		This section addresses the home environment	Clarified that the home environment is the provider's home. Removed the temperature requirement to be consistent with 22VAC40-211, <i>Foster and Adoptive Home Approval Standards for Local Departments of Social Services</i> and reduce regulatory stringency. Removed "the home shall be clean, in good repair" requirement and combined the home and grounds requirement to be consistent with 22VAC40-211, <i>Foster and Adoptive Home Approval Standards for Local Departments of Social Services</i> and reduce regulatory stringency. Removed the repetition of the term "provider" as the term is referenced at the beginning for the following requirements. Removed the requirement to rehearse the emergency preparedness plan with each child once every six months to be consistent with 22VAC40-211, <i>Foster and Adoptive Home Approval Standards for Local Departments of Social Services</i> and reduce regulatory stringency. Removed the term "approved" because it is unnecessary based on the definition of "provider." A provider is already "approved." Combined the household pet requirement for clarification. Clarified that it is the "provider's" responsibility to maintain documentation on household pets and ensure household pets are safe to be around children in the home. Removed the terms "prescription and nonprescription" medication as it is repetitive since the requirement states "all" medications are stored separately. Clarified that all medications shall be stored separately from food and locked except for refrigerated medications and the "provider" not applicant shall
-----	--	---	---

			implement safety provisions for the storage of refrigerated medications. Added that emergency medication can be store in an unlocked, secured location when a physician's order indicates the medication must be available immediately in cases of an emergency and the licensee has a department approved plan to ensure the child's safety. Clarified that the home of the "provider" shall have available first aid supplies. The intent is to protect children and youth.
200		This section addresses initial approvals or denial of the home.	Removed the term "approved" based on the definition of "provider." Providers are approved. The intent is to protect children and youth.
210		This section addresses training and development for providers.	Added the following requirements to the pre-service training core competencies: • Mandated reporter as defined in § 63.2-1509, • Normalcy and reasonable and prudent parent standard pursuant to Preventing Sex Trafficking and Strengthening Families Act of 2014, • Trauma and impact of trauma pursuant to the Family First Prevention Services Act, and • Shaken baby syndrome pursuant to § 63.2-900 B. Clarified that the licensee shall explain confidential requirements and keep all information confidential by combining F. and G. of this section. Amendments in this section ensure consistency with state and federal laws and the intent is to protect children and youth.
220		This section addresses training and development for short-term foster care providers	Added the following requirements to the pre-service training core competencies: • Mandated reporter as defined in § 63.2-1509, • Normalcy and reasonable and prudent parent standard pursuant to Preventing Sex Trafficking and Strengthening Families Act of 2014,

			• Trauma and impact of trauma pursuant to the Family First Prevention Services Act, and • Shaken baby syndrome pursuant to § 63.2-900. Clarified that the licensee shall explain confidential requirements and keep all information confidential by combining E. and F. of this section. Amendments in this section ensure consistency with state and federal laws and the intent is to protect children and youth.
230		This section addresses the monitoring and re-evaluation of provider homes.	Throughout this section, removed “approved” based on the definition of “provider.” A provider is already ‘approved’. Clarified that the “provider” is required to obtain the results of a new tuberculosis screening. Moved “in-service training” definition from Section 10 and added the definition here, since the term is only used in this section. Removed the licensee shall document “a brief description of the child’s adjustment to the family and home” and “including the names of the family members” requirements to be consistent with 22VAC40-211, <i>Foster and Adoptive Home Approval Standards for Local Departments of Social Services</i> and reduce regulatory stringency. Added that the licensee shall include on the approved home’s certificate the gender and number of children placed in the home with the signature and title of the individual approving the home. The intent is to protect children and youth.
240		This section addresses the capacity for a provider home.	Reduced the number of children in care in a foster or short-term foster care home to six with certain exceptions pursuant to the Family First Prevention Services Act.

			Clarified that the home shall have sufficient and appropriate space and furnishings for each child. Amendments in this section ensure consistency with federal law and the intent is to protect children and youth.
250		This section addresses the intake, acceptance, and placement of children in provider homes.	Added the commissioner has the authority to place or direct the placement of any child under the supervision of a local board or licensed child-placing agency pursuant to § 63.2-904. Clarified the difference between the noncustodial foster care agreement signed between the parent and local department and parental agreement signed by the parents and local public agency designated by the community policy and management team pursuant to § 63.2-905. Reduced the timeframe for the written assessment for a respite care home placement from 30 days to 14 days to be consistent with the revised "respite care" definition in 22VAC40-131-10, allowing respite care for up to 14 consecutive calendar days. Amendments in this section ensure consistency with state law and the intent is to protect children and youth.
260		This section addresses the child's social history requirements.	Removed the requirement that the licensee shall complete a social history within 30 days of placement in a respite care home. Respite care, as defined in 22VAC40-131-10, is only permitted for up to 14 consecutive calendar days and a social history is not needed for this short service. Clarified that the social history for a child in foster care who is less than one year of age with the goal of adoption shall include additional elements as described in the current regulation. The intent is to protect children and youth.
300		This section addresses school enrollment for school-aged children.	Clarified that within 72 hours of the child's placement, the licensee shall notify the relevant school of the children's placement and status of the

			parental rights of the child by separating this requirement from A. Removed B. in this section because it is a duplicate requirement as documentation of the licensee's contact with school authorities is addressed in C. in this section. Clarified that the education authority is the school division that the licensee shall collaborate with to maintain educational stability for the child. Added the requirement that foster care children shall be allowed to attend the school enrolled prior to placement after certain criteria are met pursuant to § 22.1-3.4. Amendments in this section ensure consistency with state law and the intent is to protect children and youth.
340		This section addresses the service plans for children and youth.	Clarified that the individual service plan shall be completed within 45 days of the child's placement. Clarified that confidential identifying information shall not be disclosed about the birth parents, foster parents, and treatment foster parents. The intent is to protect children and youth.
360		This section addresses the child's discharge.	Added the requirement that the commissioner has the authority to remove or direct the removal of any child who is under the supervision or placed by a local board or licensed child-placing agency in pursuant to § 63.2-904. Added the requirement that the licensee holding custody of the youth who turns 18 while in foster care provide certain documents at the time of the youth's discharge pursuant to § 63.2-905.3. Amendment in this section ensures consistency with state law and the intent is to protect children and youth.
370		This section addresses the LCPA case record requirements.	Corrected a typo by changing the term "assures" to "ensures."

			Changed the term 'subsidy' to 'adoption assistance' to reflect correct terminology from §§ 63.2-1300 and 63.2-1301. Revised when the case file needs to be retained after the child was reunited with birth family to one year after the youth's 22nd birthday to follow the June 15, 2023, revision to the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15. Removed the date for the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15 to ensure LCPAs use the most current requirements. Added the timeframe for disposing and storing files can be found in 22VAC40-131-90 A. 2. of this regulation. Removed the term "approved" based on the definition of "provider." All providers are approved. Clarified that the 'other information' maintained the child's file is information regarding the child. Clarified that the licensee shall maintain the original or a certified copy of the child's birth certificate when the licensee holds custody of the child. Added when the licensee has custody of the youth who has been in care six months or more and turned 18 years of age while in foster care, the licensee shall maintain in the youth's record, the social security card, health insurance information, a copy of the medical record, and state issued driver's license or identification card to comply with § 63.2-905.3. The intent is to protect children and youth.
420		This section addresses children placed in short term foster care, which will now be called 'respite care'.	Clarified that the licensee shall allow foster parents access to respite care for foster care children placed in their home.

			Clarified when the child receives respite care from the same respite care provider, the written foster care agreement is not required after the first respite care, unless the foster care agreement has changed, and a service plan is not required for respite services. Added that the licensee shall ensure that notification is provided to the agency, parent, or guardian holding legal custody each time the child receives respite care services. Clarified that the licensee shall inform the respite care provider of the child's current treatment and services plan to include any pertinent information for the child. The intent is to protect children and youth.
440		This section addresses youth in independent living arrangements	Clarified that the licensee shall develop and implement policies and procedures that addresses the criteria for successful discharge from the program to his legal guardian when the youth is "younger than" 18 years of age at the time of discharge. Moved "career and technical education" definition from Section 10 and added the definition here, since the term is only used in this section. Corrected the typo of "timeframes." The intent is to protect children and youth.
510		This section addresses special needs children for adoption	Added the Code citation. The intent is to protect children and youth.
530		This section addresses adoption placement agreements.	Clarified that the adoption placement agreement includes the requirements of the foster "home" agreement as specified in the regulation. The intent is to protect children and youth.
580		This section addresses responsibilities for adoptive home post-placements	Added the additional Code citation, § 63.2-1208, which addresses post-placement adoption requirements. Added if the circuit court has not omitted the order of reference, the

			licensee shall visit the child at least three times within a period of six months pursuant to § 63.2-1210. Amendment in this section ensures consistency with state law and the intent is to protect children and youth.
590		This section addresses intercountry adoptions	Clarified the required documentation is filed in the adoptive parent's file when the final decree of adoption occurs. The intent is to protect children and youth.
600		This section addresses reports to the circuit court for finalizing adoption	Clarified when the licensee holds legal custody of the child, the licensee shall provide written consent for the adoption when the petition is filed. Added that the licensee shall determine the requirements are met prior to certifying the report of visitation pursuant to § 63.2-1202. Amendments in this section ensure consistency with state law and the intent is to protect children and youth.
	620	This new section addresses the applicability of the temporary placement provider.	Added that the applicability requirements for a temporary placement provider is specified in 22VAC40-131-20 and in Article 6 of this regulation. The intent is to protect children and youth.
	630	This new section addresses the requirements for children placed from a parental or legal custodial powers delegation	Added the requirements for LCPA that assists parents and legal guardians with the process of delegating parental and legal custodial powers of their children pursuant to §§ 20-166 and 22-167. Amendments in this section ensure consistency with state laws and the intent is to protect children and youth.
	640	This new section addresses the background check requirements for temporary placement providers	Added the background check requirements for LCPA that assist parents and legal guardians with the process of delegating parental and legal custodial powers of their children and any person to who any powers are delegated pursuant to §§ 20-166 and 22-167.

			Amendments in this section ensure consistency with state laws and the intent is to protect children and youth.
--	--	--	--