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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-211
VAC Chapter title(s)	Foster and Adoptive Home Standards for Local Departments of Social Services
Action title	Amend Foster and Adoptive Home Approval Standards for LDSS to Implement 2023 Legislation
Final agency action date	February 21, 2024
Date this document prepared	February 21, 2024

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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.

This regulatory action will implement Chapter 340 of the 2023 Acts of Assembly requiring the transferability of home studies, including addenda and all related approval documents other than background checks, between local agencies, local boards, and licensed child-placing agencies within the Commonwealth. The bill also requires home studies to be conducted in accordance with a mutual family assessment home study template and DSS to promulgate regulations establishing a market rate for completing home studies. This law becomes effective on January 1, 2024.

All mutual family assessments approved by a local board and all related approval documentation (other than background checks) are transferrable to other local boards of social services (LDSS) and licensed child-placing agencies (LCPA) at the request of the prospective foster parent or prospective adoptive parent. Transfers may only occur after the initial period of approval, which is three years from the date of approval, and there is no charge to the prospective foster or adoptive parent for the transfer. At the time of the transfer, the market rate for the initial mutual family assessment is \$0.

The request to transfer the approval documentation by the foster or adoptive parent must be in writing and signed and include a signed release of information form that states the name of the receiving agency. The transferred documentation must include the original home study, all addendums to the original home study and any approval documentation related to the most recent re-approval but must not include any documentation related to background checks, as that documentation is not transferable. The transfer of approval documentation does not transfer approval to the receiving agency and the foster or adoptive parent is not guaranteed an approval by the receiving agency. The receiving agency must only use the approval documentation to assist in their own assessment of the foster or adoptive parent. The sending agency must notify the foster or adoptive parent once the approval documentation was sent to the receiving agency.

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, internal staff review, 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."

This regulatory action is necessary to implement the requirements of Chapter 340 of the 2023 Acts of Assembly (House Bill 1744) which mandates that the Department of Social Services promulgate regulations to implement the provisions surrounding the transfer of home studies and related approval documentation.

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.

Statement of Final Agency Action

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.

The State Board of Social Services (DSS) took final action to amend 22VAC40-211, Foster and Adoptive Home Approval Standards for LDSS, on 2/21/2024.