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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 VAC 40-705
VAC Chapter title(s)	Child Protective Services
Action title	Amend CPS Regulation Resulting from 2026 Legislation
Final agency action date	August 17, 2026
Date this document prepared	August 17, 2026

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.

The regulation requires updates because of 2026 General Assembly action.

Chapter 585 (HB 283) of the 2026 Acts of Assembly clarifies that a pregnant woman's prenatal use of a controlled substance or drug as prescribed by such woman's health care provider for opioid addiction recovery shall not solely be a reason to suspect that a child is abused or neglected. As such, the regulation requires amendment to reflect this change.

Chapter 845 (HB 1414) of the 2026 Acts of Assembly expands enumerated list of mandated reporters to include any athletic coach, director, or other person 18 years of age or older employed by or volunteering with the athletics program of a public or private elementary or secondary school, including interscholastic teams and clubs; expands a reason to suspect a child is abused or neglected to include suspected violations of §§ 18.2-370 through 18.2-370.6 or § 18.2-374.3 involving a child; and enhances the penalty

for failure to report child abuse or neglect where such reportable offense is alleged to have occurred at a private or state-operated hospital, institution, or facility to which children have been committed or where children have been placed for care and treatment. As such, the regulation requires amendments to reflect these changes.

Chapter 900 (SB 640) and Chapter 865 (HB 1490) of the 2026 Acts of Assembly requires local departments of social services to respond within 24 hours to valid complaints involving a victim child under age three and to determine the validity of complaints alleging suspected abuse or neglect of children under the age of three and children under the age of 18 with disabilities as defined in § 22.1-213 of the Code of Virginia. As such, the regulation requires amendments to reflect these changes.

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 legislation passed during the 2026 Session of the Virginia General Assembly. The legislation requires the State Board of Social Services to promulgate regulations.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

The State Board of Social Services approved the exempt action for 22VAC40-705, Child Protective Services, on TBD.