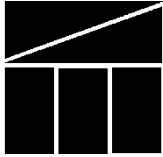


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



## Virginia Department of Planning and Budget Economic Impact Analysis

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**22 VAC 40-730 Investigation of Child Abuse and Neglect in Out of Family Complaints**  
**Department of Social Services**  
**Town Hall Action/Stage: 5139 / 8406**  
January 25, 2019

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### **Summary of the Proposed Amendments to Regulation**

Following a periodic review,<sup>1</sup> the State Board of Social Services proposes to clarify regulatory language.

### **Result of Analysis**

The benefits likely exceed the costs for the proposed changes.

### **Estimated Economic Impact**

The proposed changes do not modify any of the current standards or procedures, but clarify them. The changes include updating the definition of “child day program” to mirror the language in § 63.2-100 of the Code of Virginia; adding a definition of “child-placing agency” and “foster home”; updating the definition of “facility” to clarify that child day programs include both licensed and religiously-exempt programs; updating language in the definition of “residential facility”; updating language on training requirements for staff qualified to conduct out of family investigations to reflect current practices; adding specific language from § 3.2-1511 A1 of the Code of Virginia regarding out of family investigations involving school employees; repealing duplicative language regarding monitoring of cases for compliance; adding new language to reflect the existing protocol for investigations; and adding specific language from §

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<sup>1</sup> <http://townhall.virginia.gov/ViewPReview.cfm?PRid=1676>

63.2-1503 M of the Code of Virginia regarding the rights of an alleged abuser or neglecter who has been criminally charged for the same conduct. These proposed amendments would be beneficial in that they improve the clarity of requirements and procedures in effect.

### **Businesses and Entities Affected**

This regulation sets out criteria and procedures for 120 local departments of social services on how they conduct out of family investigations. There were 1,288 out of family investigations conducted in fiscal year 2018.

### **Localities Particularly Affected**

The proposed amendments would not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposed amendments would not affect employment.

### **Effects on the Use and Value of Private Property**

The proposed amendments would not affect the use and value of private property.

### **Real Estate Development Costs**

The proposed amendments would not affect real estate development costs.

### **Small Businesses:**

#### **Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

#### **Costs and Other Effects**

The proposed amendments would not affect costs for small businesses.

#### **Alternative Method that Minimizes Adverse Impact**

The proposed amendments would not adversely affect small businesses.

### **Adverse Impacts:**

#### **Businesses:**

The proposed amendments would not adversely affect businesses.

**Localities:**

The proposed amendments would not likely affect localities.

**Other Entities:**

The proposed amendments would not adversely affect other entities.

**Legal Mandates**

**General:** The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

**Adverse impacts:** Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.