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Periodic Review and Small Business Impact Review Report of Findings

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| Agency name | State Board of Social Services |
| Virginia Administrative Code (VAC) Chapter citation(s) | 22VAC40-705 |
| VAC Chapter title(s) | Child Protective Services |
| Date this document prepared | April 29, 2026 |

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*.

Acronyms and Definitions

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

Code—Code of Virginia
Board—State Board of Social Services
LDSS—Local department(s) of social services

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 or 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.

Section 63.2-217 of the Code of Virginia (Code) provides the authority for the State Board of Social Services (Board) to adopt regulations to carry out the purpose of Chapter 15 (63.2-1500 et seq.) of Title 63.2. Section 63.2-319 of the Code requires local departments of social services (LDSS) provide child welfare and other services.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no viable alternatives for achieving the purpose of this regulation. After review, we have determined that no changes are needed, and the regulation should be retained in its current form. It provides necessary guidance to local departments of social services on the administration of Child Protective Services.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

| Commenter | Comment | Agency response |
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| Annie Ross | “Anything that can be done to amend this code to relieve the administrative burden on local departments of social services. Too many of our social workers spend time doing paperwork instead of social work and they did not study policy administration, they studied social work. At the same time there has been a critical consideration of inconsistent followthrough of potential reports of child abuse across jurisdictions. Having a very clear standard for what reports require follow up and making the administration of those followup less paperwork intensive may serve to increase follow up on child abuse reports rather than findings of no issue. However, simply requiring local departments to follow up on more reports or a certain percentage of reports without also increasing funding or decreasing the administrative | We have reviewed the comment and examined the regulation in response. Based on this review, we have determined that no changes are needed at this time. |

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| | burden on departments will not ve fruitful.” | |
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Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation governs the administration of child protective services. It is essential for ensuring the health, safety, and welfare of children by providing local departments of social services with clear and comprehensive guidance for carrying out child protective services responsibilities. The regulation is written in a clear manner and is straightforward to understand.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

This regulation should be retained without changes.

Small Business Impact

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.

This regulation is necessary because it governs the administration of child protective services. It does not conflict with federal or state laws or regulations, nor does it impose requirements that exceed applicable federal standards. The regulation was most recently amended through an exempt action in 2025. There is no impact on small businesses, as the regulation does not include provisions that create requirements or limitations for them.

