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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	22VAC40-141
<b>VAC Chapter title(s)</b>	Licensing Standards for Independent Foster Homes
<b>Date this document prepared</b>	March 31, 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.*

IFH-Independent Foster Homes

### 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.*

The State Board of Social Services has the legal authority to adopt regulations and requirements in accordance with §§ 63.2-217 and 63.2-1734 of the Code of Virginia. The Code mandates the

promulgation of regulations governing the services and homes that ensure the safety and well-being of children placed in the care of licensed independent foster homes.

### 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.*

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There are no alternatives for achieving the purpose of this regulation. This regulation is the least burdensome option available, as § 63.2-1734 of the Code of Virginia requires the adoption of regulations that are conducive to the welfare of children under the custody or control of child welfare agencies, including independent foster homes.

### 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.*

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There were no public comments received following the publication of the Notice of Periodic Review, and no advisory group was formed for the purposes of assisting in the period review.

### 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.*

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The regulation meets the criteria set forth in Executive Order 19 (2022). It establishes the requirements necessary to protect the health, safety, and welfare of children and youth receiving services from independent foster homes. The regulation is clearly written and readily understandable.

### 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.*

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The regulation should be retained without change. There have been no licensed independent foster homes in Virginia since 2022; however, maintaining these regulations remains necessary to preserve the existing regulatory framework should licensure activity resume in the future. Retaining the current

regulations ensures continuity and upholds the statutory requirements governing independent foster homes.

### 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.*

Although no independent foster homes have been licensed in Virginia since 2021, the regulation remains necessary to ensure an established framework is in place in the event that licensure activity resumes. Retaining the regulation preserves the established regulatory framework and maintains compliance with requirements governing independent foster homes. No comments were received concerning this regulation. The regulation does not duplicate or conflict with federal or state law. This regulation has a current Fast-Track action under review by the Office of Attorney General. The last completed Periodic Review occurred in 2022 and resulted in a determination to retain as is due to the absence of licensed IFH. There are no changes in technology, economic conditions, or other factors. This regulation has no impact on small businesses.