



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-700
Regulation title	Child Protective Services Central Registry Information
Document preparation date	August 18, 2010

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the Code of Virginia (Code) gives the State Board of Social Services (Board) the authority and responsibility to promulgate regulations for the administration of social services in the Commonwealth. Sections 63.2-1514 and 63.2-1515 provide statutory mandates regarding the retention of Child Protective Services (CPS) records. These sections direct the Board to prescribe by regulation for the retention of CPS records and the information to be contained in the central registry of founded complaints.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No alternatives to the existing regulation were considered. The Code requires the Board to adopt regulations pertaining to retention of records of all CPS reports or complaints, and for the information to be contained in the central registry.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received regarding this regulation.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set out in Executive Order 14 and is necessary for the protection of public health, safety, and welfare. This regulation is clearly and concisely written and easily understandable. It has no impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the commonwealth. There is no cost of compliance to the general public.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Board recommends that this regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

Any person, who has been found to have committed an act of child abuse or neglect in Virginia, and any child victim of that act, may have information about his identity and information about the abuse or neglect maintained in the central registry for a period of time established in this regulation. The purpose of retaining CPS reports is to provide local departments of social services with information about prior CPS reports. Prior history shall not be used as evidence of subsequent reports, but the information can assist local departments in determining the appropriate CPS response, the urgency of that response, and assessment of risk of future abuse or neglect. The retention of CPS reports can increase child safety and family stability.