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Subject: Revisions to Standards for Licensed Children's Residential Facilities  
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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**Date:** October 17, 2019

**To:** Licensed Children's Residential Facilities

**From:** Tara Ragland, Director  
Division of Licensing Programs

**Subject:** Revisions to *Standards for Licensed Children's Residential Facilities*

As a result of legislative changes effective July 1, 2019, the regulation *Standards for Licensed Children's Residential Facilities*, 22VAC40-151, has been revised effective October 17, 2019. The amended regulation was published as a final regulation in the Virginia Register of Regulations on September 16, 2019 (Volume 36, Issue 2). This action was exempt from the full Administrative Process Act regulatory process because the purpose of the revision was only to incorporate changes in state law.

The regulations are posted at <http://www.dss.virginia.gov/facility/crf.cgi>. Replacement pages are also available at this link, reflecting the pages that have been changed. Hard copies of the regulation can be ordered at [https://www.dss.virginia.gov/files/division/licensing/crf/intro\\_page/forms/all\\_other/032-05-0512-14-eng.pdf](https://www.dss.virginia.gov/files/division/licensing/crf/intro_page/forms/all_other/032-05-0512-14-eng.pdf). Please replace the old pages with the new and discard prior versions.

The revision affects two sections of the regulation, summarized below.

### **22VAC40-151-90**

The first change was needed as a result of changes to §§ 63.2-1709.1, 63.2-1710.1 and 63.2-1737 that added summary suspension procedures for all child welfare agencies, including children's residential facilities. These changes have been made in *General Procedures and Information for Licensure*, 22VAC40-80, a regulation applicable to all licensed facilities. Summary suspension procedures were therefore no longer needed in *Standards for Licensed Children's Residential Facilities* and 22VAC40-151-90 was therefore repealed.

### **22VAC40-151-170**

The second change made *Standards for Licensed Children's Residential Facilities* consistent with § 63.2-904. The standard Relationship to Regulatory Authority, 22VAC40-151-170, has

been amended by specifying that the commissioner shall (i) have the authority to place, remove, or direct the placement or removal of any child who is under the supervision and control of a local board or licensed child-placing agency; and (ii) remove or direct the removal of any child placed by a local board or licensed child-placing agency in a children's residential facility that fails to comply with any state or federal requirements intended to protect the child's health, safety, or well-being.

If you have any questions, please contact your licensing specialist.