

From: **Edwina Williams** <edwina.williams@dss.virginia.gov>
Date: Wed, Feb 27, 2019 at 11:22 AM
Subject: Notice of Intended Regulatory Action
To: <DSS_LICENSING@listserv.cov.virginia.gov>

This file is being sent to independent foster homes, child placing agencies, child day centers, certified preschools, family day homes, voluntarily registered family day homes, family day systems, religiously exempt child day centers, short-term child day centers and unlicensed child day programs receiving child care subsidy assistance from the Virginia Department of Social Services Email Distribution Service.

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Notice Regarding Public Comment Period for Proposed Regulation: Comprehensive Repeal and Replace of Background Checks for Child Welfare Agencies

The proposed regulation to repeal and replace *Background Checks for Child Welfare Agencies* (22VAC40-192) will be published in the *Virginia Register of Regulations* (Volume 35, Issue 14) on March 4, 2019, starting a 30-day public comment period that continues through April 3, 2019.

The proposed regulation is being revised to ensure the background check requirements are more easily understood. Several new sections will be added to provide program specific information. State law and the federal Child Care Development Block Grant Act have added requirements for fingerprint based background checks and checks of out of state child abuse and neglect registries for individuals in child care programs who have lived in another state in the past five years. There are multiple changes needed to correct this regulation including adding new requirements for fingerprint based background checks and out of state child abuse and neglect registry background checks, as well as correcting Code citations that are no longer accurate. The regulation references the location of the list of barrier crimes used to screen individuals required to have a criminal record check. The list is now located in a new section of the Code of Virginia and includes additional crimes. Repeal of the existing regulation and adoption of a new regulation will allow greater flexibility to adjust the structure, format, and language of the current regulation while incorporating state and federal requirements for background checks.

The Notice of Intended Regulatory Action can be found at http://townhall.virginia.gov/1/GetFile.cfm?File=73\5077\8324\AgencyStatement_DSS_8324_v1.pdf.

Comments for this proposed regulation may be submitted via Regulatory Town Hall at <http://townhall.virginia.gov/l/viewstage.cfm?stageid=8324>; or by mail, fax or email to Deborah Eves, Program Consultant, Virginia Department of Social Services, Division of Licensing-Children's Programs, 801 East Main Street, 9th Floor, Richmond, Virginia 23219; fax (804) 726-7506; deborah.eves@dss.virginia.gov.

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