

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)

Sent: Friday, October 21, 2016 2:56 PM

To: DSS_Licensing

Subject: Revisions to Minimum Standards for Family Day-Care Systems and Background Checks for Child Welfare Agencies

The attached file is being sent to family day systems from the Virginia Department of Social Services Email Distribution Service.

*****Please do not reply to this email.*****

The regulations *Minimum Standards for Family Day-Care Systems and Background Checks for Child Welfare Agencies* have been revised, effective October 19, 2016. Please view the attached document for a description of the changes.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: October 19, 2016

TO: Licensed Family Day System

FROM: Charlene Vincent, Director,
Division of Licensing-Children's Programs

SUBJECT: Revisions to *Background Checks for Child Welfare Agencies and Minimum Standards for Family Day-Care Systems*.

As a result of legislative changes effective July 1, 2016, the regulations *Background Checks for Child Welfare Agencies* and *Minimum Standards for Family Day-Systems* have been revised, effective October 19, 2016. Please refer to the Legislative Implementation memo dated June 30, 2016 for additional information on the legislative changes. These actions were exempt from the full Administrative Process Act because the purpose was strictly to conform to changes in state law and no agency discretion was involved.

The regulations are posted at <http://www.dss.virginia.gov/facility/fds.cgi> and can be ordered at http://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/current_providers/forms/all_other/032-05-0512-09-eng.pdf. Please replace your copies with the new regulations and discard prior versions.

Changes to the "Background Checks for Child Welfare Agencies" regulation are limited to two sections; 22VAC40-191-10 and 22VAC40-191-50, and are summarized below.

22VAC40-191-10 Defining words and phrases.

- "Disqualifying background" was changed as a result of the change to the definition of "offense" in § 63.2-1719 of the Code of Virginia (Code). The word "regulation" was replaced with "chapter."
- "Family day home" was changed as a result of the legislative change in § 63.2-100 of the Code, reducing the family day home licensure threshold to five children and replacing the "grandparent" exception with "a family day home where the children in care are all related to the provider by blood or marriage is not required to be licensed."
- "Offense" was changed as a result of a legislative change to the definition of offense in § 63.2-1719 of the Code to include convictions that result in the requirement to register with the Sex Offender and Crimes Against Minors registry or any similar registry in any other state. This change prohibits a sex offender from being employed by or operating a child welfare agency.

- The definition of "sex offense felony for family day homes" was deleted.
- Minor technical changes were made to the following definitions:
 - "Child welfare agency" the word "regulation" was replaced with "chapter."
 - "Registered family day home" deleted the phrase "pursuant to regulations adopted by the board."
- Other minor grammatical changes were made throughout the section.

22VAC40-191-50 Explaining requirements for satisfactory background checks.

- 22VAC40-191-50 A.1 – The requirements for a satisfactory sworn statement changed to require the person "not have an offense."
- 22VAC40-191-50.A.2.a – "Central Registry of Founded Child Abuse/Neglect Investigations" was changed to "central registry."
- 22VAC40-191-50. A. 3. a. (2) - The word "offenses" was added after barrier crimes.
- 22VAC40-191-50 A. 3. c. - No other knowledge that the person has a "barrier crime, or other felony conviction" was changed to "an offense."
- 22VAC40-191-50 B. 5 – Subsections a, b, and c were deleted and replaced with "an offense."
- 22VAC40-191-50 B. 6. b. - Reason to suspect that a person has a "barrier crime conviction, a felony conviction in the last five years, or a founded complaint of child abuse and neglect" was replaced with "reason to suspect that a person has an offense."
- Other minor grammatical changes were made throughout the section.

Changes to the regulation *Minimum Standards for Family Day-Care Systems* are limited to one section; 22VAC40-120-10, and are summarized below.

22VAC40-120-10. Introduction.

- Title of this section was changed to "Definitions; license provisions."
- 22VAC40-120-10 A - Phrase "legal base" was deleted.
- 22VAC40-120-10 B - Definition of "family day-care system home" was changed as a result of the legislative change in § 63.2-100 of the Code, reducing the family day home licensure threshold to five children. Clarifies family day homes that are members of a system and approved to care for five or more children are not subject to direct licensure by the department.
- Minor grammatical changes were made to the description of "Definitions" and to "Day-care provider."

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