

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)
Sent: Friday, October 21, 2016 2:53 PM
To: DSS_Licensing
Subject: Revisions to Standards for Licensed Child Day Centers and Background Checks for Child Welfare Agencies

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

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

The regulations *Standards for Licensed Child Day Centers 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 Child Day Centers
Short-Term Child Day Centers

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

SUBJECT: Revisions to *Standards for Licensed Child Day Centers and Background Checks for Child Welfare Agencies*

The regulations *Standards for Licensed Child Day Centers and Background Checks for Child Welfare Agencies* have been revised, effective October 19, 2016, to bring into conformity with changes made to the Code of Virginia by the 2016 Session of the General Assembly. 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 their purpose was strictly to conform to changes in state law and no agency discretion was involved.

The updated regulations can be found under the Regulations tab at http://www.dss.virginia.gov/facility/child_care/licensed/child_day_centers/index.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 regulation *Standards for Licensed Child Day Centers* are limited to one section; 22VAC40-185-40, and are summarized below.

22VAC40-185-40. Operational Responsibilities.

- The current definition of "offense" in 22VAC40-185-40 B was removed and replaced with a reference to § 63.2-1719 which includes convictions set forth in § 9.1-902 that results in the person's requirement to register in the Sex Offender and Crimes Against Minors Registry.
- A reference to the background check exception from subsection C of § 63.2-1720 applicable to child day centers was added to 22VAC40-185-40 B.

Changes to the regulation *Background Checks for Child Welfare Agencies* 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.

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