

Unified Regulatory Plan of the Department of Social Services for State Fiscal Year 2025

Prepared on 6/30/2026

Description of Agency & Board

The Department of Social Services supervises the administration of public assistance and service programs by local departments social services, under Title 63.2, Welfare (Social Services). Pursuant to § 63.2-217 of the Code of Virginia, the State Board of Social Services is the entity authorized to adopt regulations necessary to carry out the purpose of Title 63.2. Welfare (Social Services). Pursuant to § 63.2-203, the agency Commissioner shall supervise the administration of the provisions of Title 63.2 and see that all laws pertaining to the Department are carried out. The Department operates under the supervision of the Secretary of Health and Human Resources.

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Reduce Discretionary Requirements for Standards for Licensed Independent Homes	
Brief Overview The State Board of Social Services is authorized to promulgate regulations for 22VAC40-141, Minimum Standards for Licensed Independent Foster Homes. Currently there are no homes subject to this chapter. The agency intends to the amend the chapter to reduce regulatory burden.	
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	Specific deregulatory components identified include removing duplicative requirements within the regulation.
Expected Date	July 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not available	
Title of Proposed Regulatory Action or Guidance Document	
Reduce Discretionary Requirements for Standards for Licensed Children’s Residential Facilities and Add Office of Children’s Ombudsman	
Brief Overview	
Legislation passed during the 2024 Regular Session will require the State Board of Social Services to amend 22VAC40-151, Standards for Licensed Children’s Residential Facilities. Chapter 280 of the 2024 Acts of Assembly authorizes the Office of Children’s Ombudsman to request that children’s residential facilities grant access and provide consent to interview children in foster who are subject of or the complainant in an investigation.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Discretionary action ☒ Action required by state statute
Deregulatory Component	Specific deregulatory components identified include removing the verification requirement for applicants for certain positions, removing the wilderness campsite program requirements, and removing duplicative requirements within the regulation and from the Code of Virginia.
Expected Date	July 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not available	
Title of Proposed Regulatory Action or Guidance Document	
Reduce Discretionary Requirements for Standards for Licensed Child Placing Agencies	
Brief Overview	
The State Board of Social Services is authorized to promulgate regulations for 22VAC40-131, Standards for Licensed Child-Placing Agencies. The agency intends to amend the regulation to reduce regulatory burden.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Discretionary action ☐ Action required by state statute
Deregulatory Component	Specific deregulatory components identified include removing duplicative requirements within the regulation and from other regulations and the Code of Virginia.
Expected Date	July 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not available	
Title of Proposed Regulatory Action or Guidance Document	
Reduce Discretionary Requirements for Minimum Standards for Licensed Child Caring Institutions	
Brief Overview	
The State Board of Social Services is authorized to promulgate regulations for 22VAC40-100, Minimum Standards for Licensed Child Caring Institutions. The agency intends to amend the regulation to reduce regulatory burden.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	Specific deregulatory components identified include revising definitions to match Code of Virginia definitions, updating the name of current state agencies and the Code of Virginia citations, revising staff qualifications to current degree terms, and removing duplicative requirements within the regulation and other regulations.
Expected Date	August 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not Available	
Title of Proposed Regulatory Action or Guidance Document	
Exempt Action to Amend Permanency Regulation to Implement 2025 Legislation	
Brief Overview	
This regulatory action is authorized by HB 2457 from the 2025 Session of the Virginia General Assembly and will amend the current regulation to (i) require local departments of social services to apply for federal benefits on behalf of children in foster care that they may be eligible for, (ii) prohibit the use of military survivor benefits to pay for the care and support of children in foster care that the Commonwealth is otherwise obligated to pay for, and (iii) require local departments of social services that are representative payees for children in foster care to conserve such military survivor benefits in an appropriate trust instrument or protected account that is exempt from federal asset and resource limits.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	August 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not Available	
Title of Proposed Regulatory Action or Guidance Document	
Exempt Action to Extend Application Period for LIHEAP-2025 Legislation	
Brief Overview	
This regulatory action is authorized by Item 330 C. of the 2025 Appropriations Act and will allow applications for the Low-Income Home Energy Assistance Program (LIHEAP) to be submitted over an application period that provides adequate time for individuals to apply and is extended beyond the current application period in effect as of July 1, 2024, provided adequate funding is available to extend such application period.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	August 2025

Action/Stage or Guidance Document Forum ID (if available)	
6506/10385	
Title of Proposed Regulatory Action or Guidance Document	
Reduce Discretionary Requirements for Standards & Regulations for Licensed Adult Day Care and Follow Up to Periodic Review	
Brief Overview	
The State Board of Social Services is authorized to promulgate regulations for 22VAC40-61, Standards and Regulations for Licensed Adult Day Care Centers. A 2024 periodic review concluded with the decision to amend the regulation in response to public comment and to remove regulatory burden.	
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	Specific deregulatory components identified include amending the requirements for the designated activities staff person, amending the incident report record requirements, removing outdated training program language and removing requirements that are duplicated in the Code or another regulation. burdens that do not impact the quality of life of participants. Areas of concern noted in public comment included but were not limited to discharge requirements, transportation, staff qualifications and first aid/CPR.
Expected Date	October 2025

Action/Stage or Guidance Document Forum ID (if available) 6132/10251	
Title of Proposed Regulatory Action or Guidance Document Amend Sections to Add Appeal Process for Discharge	
Brief Overview The State Board of Social Services is authorized to promulgate regulations for 22VAC40-61, Standards and Regulations for Licensed Adult Day Care Centers. Amendments are required to implement Chapter 706 of the 2022 Acts of Assembly, which required establishing an appeals process for involuntary discharge from ALFs.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule ☐ Emergency Rule ☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☒ Discretionary action
Deregulatory Component	
Expected Date	October 2025

Action/Stage or Guidance Document Forum ID (if available) 6676/10635	
Title of Proposed Regulatory Action or Guidance Document Amend General Procedures & Information for Licensure	
Brief Overview The State Board of Social Services is authorized to promulgate regulations for 22VAC40-80, General Procedures and information for Licensure. The agency intends to amend the regulation to reduce regulatory burden.	
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	Specific deregulatory components identified include removing requirements that are duplicated in the Code or another regulation. Public comment will also be considered during the review.
Expected Date	November 2025

Action/Stage or Guidance Document Forum ID (if available) 5370/9388	
Title of Proposed Regulatory Action or Guidance Document Amend Standards for Licensed Children's Residential Facilities	
Brief Overview The State Board of Social Services is amending 22VAC40-151, Standards for Licensed Children's Residential Facilities. Proposed amendments align with the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and the Family First Prevention Services Act of 2018.	
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute ☒ Discretionary action
Deregulatory Component	N/A
Expected Date	February 2026

Action/Stage or Guidance Document Forum ID (if available) 6675/10634	
Title of Proposed Regulatory Action or Guidance Document Rename Program and Modify Local Reimbursement Formula	
Brief Overview The State Board of Social Services is authorized to promulgate regulations for 22VAC40-325, Fraud Reduction/Elimination Effort. Updates are being made to change the name of the program, and update the allocation formula to one that is performance-based.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed RAule ☒ Final Rule ☐ Emergency Rule ☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	N/A
Expected Date	February 2026

Action/Stage or Guidance Document Forum ID (if available) 6410/10241		
Title of Proposed Regulatory Action or Guidance Document Minimum Liability Insurance for Assisted Living Facilities		
Brief Overview The State Board of Social Services is amending 22VAC40-73, Standards for Licensed Assisted Living Facilities. Legislation passed during the 2023 Regular Session required the State Board of Social Services to promulgate an emergency regulation. Chapter 580 of the 2023 Acts of Assembly established minimum amounts of liability insurance based on the size of the facility. An enactment clause exempts assisted living facilities from the provisions of the act and resulting regulations until 180 days pass following the effective date of the regulations.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☒ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	N/A	
Expected Date	February 2026	

Action/Stage or Guidance Document Forum ID (if available) Not available		
Title of Proposed Regulatory Action or Guidance Document TANF Debt Compromise		
Brief Overview Va. Code § 63.2-1908 states that “Any payment of public assistance money made to or for the benefit of any dependent child or children or their custodial parent creates a debt due and owing to the Department by the person or persons who are responsible for support of such children or custodial parent in an amount equal to the amount of public assistance money so paid.” In other words, the Division of Child Support Enforcement collects child support to reimburse TANF debt. Va. Code § 63.2-1908.1 states that “The Department may establish and operate an arrears compromise program pursuant to which it may compromise child support arrears and interest accrued thereon owed to the Commonwealth for reimbursement of public assistance paid. The program shall take into consideration the obligor's ability to pay.” The program offers a reduction in arrearages to parents who complete certain case action steps, show payment consistency, or make large lump-sum payments. The Office of the Attorney General has recommended that the Division request that the State Board issue regulations to clarify the rights and responsibilities of parties under a compromise program. The Division is revamping its policy in 2025; therefore, we can expect to initiate an action in early 2026.		
Regulatory Stage	☐ NOIRA	☐ Emergency Rule

(check one box)	☐ Proposed Rule ☐ Final Rule	☒ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Currently, the agency provides notice to the public of the debt compromise program through its public guidance document. Issuing the regulation may increase the agency's regulatory burden on the public and on DSS.	
Expected Date	February 2026	

Action/Stage or Guidance Document Forum ID (if available)		
5369/9698		
Title of Proposed Regulatory Action or Guidance Document		
Amend Standards for Licensed Child-Placing Agencies		
Brief Overview		
The State Board of Social Services is amending 22VAC40-131, Minimum Standards for Licensed Private Child Placing Agencies. Proposed amendments are intended to bring the regulation into alignment with the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and the Family First Prevention Services Act of 2018. This regulatory action will also align with applicable requirements other DSS regulations.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	N/A	
Expected Date	June 2026	

Action/Stage or Guidance Document Forum ID (if available) 6155/9883	
Title of Proposed Regulatory Action or Guidance Document Amend Standards for Assisted Living Facilities	
Brief Overview The State Board of Social Services is amending 22VAC40-73, Standards for Licensed Assisted Living Facilities. This action will simplify and clarify language, improve definitions, and make technical edits for ease of understanding and any other changes deemed necessary after public comment and review. The action will include regulatory reduction.	
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	Specific amendments have not yet been identified.
Expected Date	June 2026

Guidance Documents

Action/Stage or Guidance Document Forum ID (if available)	
Not Available	
Title of Proposed Regulatory Action or Guidance Document	
Child & Family Services Manual-Chapter A Practice Foundations	
Brief Overview	
The guidance manual will need to be updated to implement legislation passed during the 2024 session of the General Assembly (Chapters 662 and 629) and the related exempt regulatory action approved by the Governor's Office on November 15, 2024.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	August 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not Available	
Title of Proposed Regulatory Action or Guidance Document	
Child & Family Services Manual-Chapter B Prevention Services	
Brief Overview	
The guidance manual will need to be updated to implement legislation passed during the 2024 session of the General Assembly (Chapters 662 and 629) and the related exempt regulatory action approved by the Governor's Office on November 15, 2024.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	August 2025

Action/Stage or Guidance Document Forum ID (if available) Not Available	
Title of Proposed Regulatory Action or Guidance Document Division of Child Support Enforcement Program Manual	
Brief Overview The DSS Division of Child Support Enforcement proposes at least one update to its program manual every year.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	The Program Guidance team is actively researching what text is no longer appropriate in a public guidance manual. For example, the glossary, list of abbreviations, and resources chapter contain helpful but unnecessary information. Some areas we can explore long term include reducing the Resources chapter, consolidating the non-IV-D (NIVD) chapter, and removing internal processes related to the State Disbursement Unit (SDU) in the Fiscal chapter.
Expected Date	August 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not Available	
Title of Proposed Regulatory Action or Guidance Document	
Child & Family Services Manual –Chapter E Foster Care	
Brief Overview	
The guidance manual will need to be updated to reflect 2025 legislation. Changes will be made to incorporate Chapters 200, 568, and 354 of the 2025 Acts of Assembly.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	October 2025

Action/Stage or Guidance Document Forum ID (if available)	
Not Available	
Title of Proposed Regulatory Action or Guidance Document	
Energy Assistance Program Manual	
Brief Overview	
Update guidance based on 2025 budget language. Item 330.C. of the 2025 Appropriation Act changed the allowable application period for the Low Income Home Energy Assistance Program.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	October 2025

Action/Stage or Guidance Document Forum ID (if available) Not Available	
Title of Proposed Regulatory Action or Guidance Document Child & Family Services Manual-Chapter F Adoption	
Brief Overview The guidance manual will need to be updated to reflect 2025 legislation. Changes will be made to incorporate Chapters 547 and 143 of the 2025 Acts of Assembly	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	October 2025

Action/Stage or Guidance Document Forum ID (if available) Not Available	
Title of Proposed Regulatory Action or Guidance Document Supplemental Nutrition Assistance Program (SNAP) Manual	
Brief Overview The guidance manual will need to be updated to reflect any changes to income limits issued by the federal government in September/October 2025.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	November 2025

Action/Stage or Guidance Document Forum ID (if available) Not Available	
Title of Proposed Regulatory Action or Guidance Document Temporary Assistance for Needy Families (TANF) Manual	
Brief Overview The guidance manual will need to be updated to reflect any changes to income limits issued by the federal government in September/October 2025.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute ☐ Discretionary action
Deregulatory Component	N/A
Expected Date	November 2025

Action/Stage or Guidance Document Forum ID (if available) Not Available	
Title of Proposed Regulatory Action or Guidance Document Local Department of Social Services Administrative/HR Manual	
Brief Overview The Local Departments of Social Services (LDSS) Administrative/HR Manual, authored by the Department of Social Services' Human Resources (HR) division, serves as a personnel guide for local departments lacking HR support or equivalent policies. DSS HR is responsible for updates and consults with the LDSS on its contents. The Manual consists of an introduction and eight chapters, last formally revised around 2013. The agency is finalizing updates to all eight chapters.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☒ Discretionary action
Deregulatory Component	N/A
Expected Date	December 2025