

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number: SB1151

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Stolle

3. Committee: Passed both houses

4. Title: Abandonment of infants

5. Summary/Purpose:

Currently, there are several statutes that address abuse and neglect of children. The proposed bill would exempt from prosecution under these provisions parents who, within the first two weeks of a child's life, leave a child at a hospital that provides 24-hour emergency services or at an attended rescue squad that employs emergency medical technicians. The bill would provide hospital and rescue squad personnel immunity from civil liability or criminal prosecution for injuries to any such child, unless the injuries resulted from gross negligence of those personnel.

Finally, the bill would authorize local departments of social services to take custody of abandoned children, to arrange for placement of such children, and to institute proceedings for the termination of parental rights.

6. Fiscal Impact: Final. See Item No. 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2003-04	\$34,906	-	GF
2003-04	\$35,654	-	NGF
2004-05	\$34,906	-	GF
2004-05	\$35,654	-	NGF

7. Budget amendment necessary: None.

8. Fiscal implications:

By exempting the scope of statutes dealing with the neglect of children, the legislation may result in fewer persons incarcerated in local jails or state correctional facilities. However, it is not possible to project the size of any possible decrease.

The primary fiscal impact of this bill would be those costs associated with the abandonment of infants and the increased foster care caseload. Because the extent and expense of abandoned newborns on a national level is unknown, the fiscal implications of this bill are

conservative. According to a recent study by the United States Department of Health and Human Services approximately 30,905 babies are abandoned nationally each year. This number includes those babies left in hospitals as well as public places. The cost to the Commonwealth depends on the number of infants abandoned in a hospital who would otherwise be left in highly dangerous places. The 35 states that have passed similar legislation have not operated safe havens long enough to track or simply do not track the number of infants relinquished as a result of legislative protection from prosecution. Based on the available information, it appears that there are only a few legal abandonments in states with safe haven laws. As such, a conservative estimate could suggest that 20 infants would be abandoned under this program in the first year.

Currently, the foster family home rate for infants in Virginia is \$294 per month or \$3,528 per year. Assuming the State receives 20 infants per year, the foster care payments alone will be \$70,560. Approximately half of this expense will be paid with federal dollars (based on the current FMAP rate of 50.53 percent).

The Department of Medical Assistance Services (DMAS) has indicated that it will absorb any additional costs for its agency associated with this bill in its existing budget; therefore, there is no fiscal impact to DMAS.

9. Specific agency or political subdivisions affected:

Department of Corrections
Department of Social Services
Department of Medical Assistance Services

10. Technical amendment necessary: None.

11. Other comments: Identical to HB2447.

Date: 03/10/03/rwh

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cc: Secretary of Public Safety