

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number HB 2504

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

2. Patron Toscano

3. Committee Pending

4. Title Criminal history & central registry check; est. mandatory background check for foster, etc. parents

5. Summary/Purpose: Establishes mandatory background checks for prospective foster or adoptive parents that consist of three parts: 1) a sworn statement or affirmation disclosing whether an individual has a criminal conviction or pending charges or has been the subject of a founded case of child abuse or neglect; 2) fingerprinting forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain criminal history information; and 3) searches of the central child abuse and neglect registry maintained pursuant to § 63.2-1515 and similar registries required by federal law in any other state where a prospective parent or other adult in the home has resided in the preceding five years. Provides that in the case of an emergency, a local board must first search the central registry and obtain a written affirmation from the individual prior to placement. Prohibits approval of foster or adoptive homes where an individual has record of an offense set forth in § 63.2-1719 or a founded complaint of child abuse or neglect as maintained in registries pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act (42 U.S.C.S. 16901 et seq.). The bill has an effective date of April 1, 2007.

6. Fiscal impact estimates are preliminary.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2007	\$27,625	2.0	Nongeneral Funds
2008	\$110,500	2.0	Nongeneral Funds
2009	\$110,500	2.0	Nongeneral Funds
2010	\$110,500	2.0	Nongeneral Funds
2011	\$110,500	2.0	Nongeneral Funds
2012	\$110,500	2.0	Nongeneral Funds
2013	\$110,500	2.0	Nongeneral Funds

Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2007	\$27,625	Nongeneral Funds
2008	\$110,500	Nongeneral Funds
2009	\$110,500	Nongeneral Funds
2010	\$110,500	Nongeneral Funds
2011	\$110,500	Nongeneral Funds
2012	\$110,500	Nongeneral Funds
2013	\$110,500	Nongeneral Funds

7. **Budget amendment necessary:** Yes. The agency will require additional special fund appropriation for the additional fee revenue generated by this legislation.
8. **Fiscal implications:** Although the requirement for national criminal record checks was enacted July 1, 2006, it could not be fully implemented. The 2006 legislation did not identify the screening criteria or the governmental agency responsible for completing the screening process. For licensed private child-placing agencies, the section could not be implemented within existing federal rules and regulations governing FBI finger print searches. Currently local departments of social services are able to conduct the required criminal record checks on foster and adoptive parents and perform their own screening process; however, the State Police is unable to process national criminal record checks on adoptive parents for private licensed child-placing agencies. Thus only a portion of the required checks are currently being conducted. The licensed private child-placing agencies were held harmless due to the problems with implementation of the 2006 legislation and are not obtaining any national criminal record check results. With the passage of House Bill 2504, all of the required record checks would be able to be performed.

This bill will allow the Governor to designate the Department of Social Services (DSS) as the state agency responsible for completing the screening process. Since DSS is not currently involved in processing criminal record checks for foster and adoptive parents, there will be an increase in expenditures associated with background checks; however, the additional costs associated with this new activity will be supported with the fee revenue collected from child-placing agencies.

In FY 2006, the DSS completed 5,292 requests for background checks for other purposes. Based on a survey of local departments of social services and private licensed child-placing agencies, it is estimated that the Department would process an additional 8,500 record checks per year. Processing and screening requests for background checks include receipt of the requests and fingerprint cards, entering the information in the database, transferring scanned prints to the State Police and FBI, and collecting and reimbursing the fees charged by the State Police and FBI. The department would screen the results of each background investigation to determine if the individual was convicted of a barrier crime, and then send notification of the results to the requesting agency.

Due to the increase in the volume of requests, DSS would need two additional positions. Since the legislation will be effective April 1, 2007, the first year costs for three months will be \$25,000 and \$108,000 each year thereafter to process and screen the requests. This

includes approximately \$2,500 that will be required each year for the increase in postage and printing associated with the printing and mailing of notification letters. To fund the department's processing costs for these additional requests, a fee would be imposed on child-placing agencies for every record check on foster and adoptive parents. Currently DSS charges children's residential facilities a fee of \$13 to process background checks on employees. Although DSS is still investigating the federal laws that could affect the amount of the fees imposed for foster and adoptive parents, it is assumed that the department will charge an additional \$13 per existing policies. If everyone subject to the background check is considered an employee, the fee would be \$13, and generate \$110,500 (\$13 x 8,500) per year.

9. Specific agency or political subdivisions affected:

Department of Social Services

10. Technical amendment necessary: No

11. Other comments: None

Date: 01/30/07

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cc: Secretary of Health and Human Resources