

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB 2045

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

**2. Patron:** Robinson, Roxann L.

**3. Committee:** -

**4. Title:** Foster care and adoption; decisions regarding federal benefits, appeal to Commissioner

**5. Summary:** The amended legislation establishes a right to appeal to the Commissioner of Social Services for any individual whose claim for benefits available pursuant to 42 U.S.C. § 670 et seq. or, whose claim for benefits pursuant to Code of Virginia §63.2-905 is denied or is not acted upon by the local department with reasonable promptness.

**6. Budget Amendment Necessary:** No. Funding for this legislation was included in Item 341 of the introduced budget.

**7. Fiscal Impact Estimates:** Final

**Expenditure Impact:**

<i><b>Fiscal Year</b></i>	<i><b>Dollars</b></i>	<i><b>Positions</b></i>	<i><b>Fund</b></i>
2013	-	-	-
2014	\$77,267	1.0	General
	\$77,267	1.0	Nongeneral
2015	\$72,104	1.0	General
	\$72,104	1.0	Nongeneral
2016	\$72,104	1.0	General
	\$72,104	1.0	Nongeneral
2017	\$72,104	1.0	General
	\$72,104	1.0	Nongeneral
2018	\$72,104	1.0	General
	\$72,104	1.0	Nongeneral
2019	\$72,104	1.0	General
	\$72,104	1.0	Nongeneral

**8. Fiscal Implications:** Virginia's state foster care plan was recently reviewed by the Administration of Children and Families (ACF) and found to be out of compliance with a federal requirement to have a fair hearings and appeal process for children receiving foster care services. In order to receive federal foster care and adoption funds, Virginia's plan must be in full compliance with all the requirements of Title IV-E of the Social Security Act. This

legislative proposal creates the required hearings and appeal process to ensure Virginia's compliance to federal rules.

There is currently no appeals process for children receiving foster care services. The proposed legislation will allow the guardian ad litem for a child or the birth parent, prior to the termination of their parental rights, to appeal to the Commissioner of the Department of Social Services (DSS) decisions made by local boards concerning the foster care services to be received by that child. This legislation would create an entirely new function within DSS. The Appeals and Fair Hearings unit is currently operating at its maximum capacity with 11 hearing officers. The cases handled by this unit vary as to their complexity, issues raised, length of time for the hearing, travel of the hearing officer to the hearing site and length and complexity of the decisions. In FY 2012, the average annual case load per hearing officer was 872 cases.

The department has no way of knowing exactly how many foster care cases this might impact. However, 7,728 children received foster care services at some point during FY 2012. It is anticipated that foster care cases would be more complex and time consuming than the average child support and food stamp cases which make up the bulk of appeals heard by hearing officers. Given this, it is assumed that a hearing officer for foster care services could handle only 25 percent of the average hearing officer caseload, or 218 cases annually. Assuming three percent of the foster care cases, or 232 (7,728 x .03) cases were appealed, at least one additional hearing officer and an administrative assistant within the department will be needed. The cost of one hearing officer position with an annual salary of \$54,000 and one administrative assistant position with an annual salary of \$36,800 is estimated at \$154,533 the first year and \$144,207 each year thereafter. This includes funds to cover fringe benefits, routine operating costs of telephone, supplies, personal computer costs, and rent estimated at \$7,715 per worker as well as one-time costs totaling \$5,163 for office furnishings and equipment. These costs are split 50/50 between general and nongeneral funds.

**9. Specific Agency or Political Subdivisions Affected:** Department of Social Services

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 1/28/13

**Document:** G:\2013 Fiscal Year\2013 GA Session\EFIS\HB2045e.docx