

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB2056H1

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

2. Patron: Scott

3. Committee: House Committee for Courts of Justice

4. Title: Status offenders

5. Summary: The substitute bill removes the option for a court to order that a status offender be detained in a secure facility for a willful and material violation of a court order or term of probation.

6. Budget Amendment Necessary: Yes, Item 354

7. Fiscal Impact Estimates: Preliminary (see Line #8)

8. Fiscal Implications: According to the Virginia Department of Social Services (VDSS), the proposed bill eliminates the disposition option to place a child in detention when they have violated an order related to their Child in Need of Services (CHINS)-Supervision proceedings but leaves the option to place the child in foster care. As the court no longer has detention as a disposition option, this could increase the number of children placed in foster care.

In FY 2020, VDSS had 66 children who entered foster care with CHINS-Supervision listed as their legal basis for entry. The Department of Criminal Justice (DCJS) tracks the number of children detained for status offenses and in FY 2020, there were 118 children detained. The 118 detentions DCJS reported for FY 2020 can include a child detained multiple times; as such, VDSS estimates a third of the detained children ($118 \times 33 \text{ percent} = 39$) would enter foster care due to this legislation. Of these children, 22 children will enter foster care through VDSS funded by IV-E federal funds, which supports Children in Foster Care, Adoption, and Kinship Guardianship

Assumptions

- Children entering foster care are assumed to enter July 1 of the fiscal year.
- The average length of stay for a child entering foster care is 19 months.
- The average foster care maintenance payment is \$23,262 annually.

In FY 2022, there would be 22 children entering foster care due to this legislation that would be eligible for federal IV-E funding. These children will have 50 percent of their maintenance payment costs paid for by federal funds. The total cost of the 22 foster children

to VDSS in FY 2022 is \$511,764 ($22 \times \$23,262$), \$255,882 GF and \$255,882 NGF. In FY 2023, an additional 22 children would enter care and the original 22 would exit foster care after a 19 months, based on the average length of time a child is in foster care. Funding would be needed for an average of 35 children ($22 + [22 / 12 \times 7]$) in FY 2023 and each year thereafter. In FY 2023 and beyond, the total cost of IV-E maintenance payments is \$814,170 ($35 \times \$23,262$), of this \$407,085 is GF and \$407,085 is NGF.

Due to the increase in the number of foster children under this legislation, additional local Family Service Specialist (FSS) staff would be needed. The cost for a FSS worker includes salary, benefits, non-personnel position costs (such as a phone and computer charges), as well as a one-time cubicle charge in year one. The average cost of a FSS worker is \$92,174 in FY 2022 and \$87,011 in FY 2023 and beyond.

Local FSS staff are funded 32 percent federal funds, 52.5 percent general funds, and 15.5 percent local funds. Local FSS maintain a caseload standard of 15 individual foster cases per worker. In FY 2022, there will be 22 new foster care cases, which would require 1.5 additional staff ($22 / 15$). The expected cost for FSS positions in FY 2022 is \$138,261 ($1.5 \times \$92,174$), \$72,587 GF, \$44,244 NGF, and \$21,430 local match. In FY 2023 and beyond, there will be an average of 35 new foster cases each year, which would require 2.3 additional local staff ($35 / 15$). The expected cost in FY 2023 and for each year after is \$200,125 ($2.3 \times \$87,011$), \$105,066 GF, \$64,040 NGF, and \$31,019 local match.

The bill is not expected to create a material fiscal impact on the operations of the Department of Juvenile Justice.

9. Specific Agency or Political Subdivisions Affected: Department of Social Services, and Department of Juvenile Justice

10. Technical Amendment Necessary: No

11. Other Comments: None