

## Department of Planning and Budget 2021 Fiscal Impact Statement

**1. Bill Number:** HB2191-EH1

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

**2. Patron:**    Leftwich

**3. Committee:** Health, Welfare and Institutions

**4. Title:**    Local department of social services; location of child in local department's custody.

**5. Summary:** Provides that the local department of social services shall disclose to the legal guardian or custodian of a child the location of the child when the child is in the custody of another legal guardian or custodian, unless the local department finds that such disclosure would compromise the safety of the child or guardian.

**6. Budget Amendment Necessary:** Yes. Item 351.

**7. Fiscal Impact Estimates:** See Item 8.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	-	-	-
2022	279,303	-	General Fund
2023	263,658	-	General Fund
2024	263,658	-	General Fund
2025	263,658	-	General Fund
2026	263,658	-	General Fund
2027	263,658	-	General Fund

Note: The above expenditures require a local match of \$51,233 in FY 2022 and \$48,363 in FY 2023 and thereafter.

**8. Fiscal Implications:** The substitute removes the requirement that the child in question be in the custody of a local department of social services (LDSS). According to the Department of Social Services (DSS), the substitute changes the targeted population from children in the care of a LDSS, to children and their guardians/custodians who were involved in a Child Protective Services (CPS) complaint. Additionally, the legislation would encompass complaints that are unfounded or closed, which means that the agency has not completed a background investigation in the case of an unfounded complaint, or has not completed a recent investigation in the case of an old, closed complaint or case.

The legislation, as amended, removes the requirement that a child be in the custody of a local department of social services (LDSS). It requires a LDSS to disclose the location of a child to a legal guardian, unless such disclosure would compromise the safety of that child or

guardian. According to DSS, the agency would need to develop a formal mechanism to assist the LDSS in verifying the legal custody status of individuals requesting information regarding a child's location. The legislation would require that LDSS staff determine whether the LDSS has the requested information. If the LDSS has an address for the child, the LDSS staff would then have to verify the legal custody status of the requestor, assess the child's safety, and provide the requested information. However, the bill does not specify whether the guardian requesting the address is responsible for proving his/her legal custody status, or if instead the LDSS is responsible for determining that status.

DSS contends that this legislation may require that the agency build a new data feed to connect an existing DSS application, Systems Partnering in a Demographic Repository (SPIDeR), to the courts registry. The estimated one-time cost of this connection is \$125,000 general fund (GF) in FY 2022. However, as noted above, the onus for proving custody status is not addressed in the bill. Courts has reiterated this point, and therefore, does not believe that a new data feed is necessary.

In FY 2020, there was a total of 121,787 valid and invalid referrals regarding child maltreatment. While the number of individuals that will request a child's location is unknown, the fiscal impact is calculated based on one percent (1,218) of referrals resulting in an investigation by local staff to determine if the safety of the child or guardian would be at risk, if their location were to be shared. DSS estimated the average amount of time it would take a local worker to research the request, conduct an assessment of the child and guardian's safety, and provide the requested information or explanation of the denied request. Based on this average, each investigation is estimated to require approximately 265 minutes, resulting in 5,379 additional staff hours (1,218 requests for information x 265 minutes / 60 minutes). Assuming 1,500 productive work hours in a year, 3.6 (5,380 required hours / 1,500 productive hours) additional local workers would be needed.

Referrals and investigations are handled by local family services specialist staff. Costs for local family services specialist positions include salary, benefits, nonpersonal position costs such as rent and phone charges, as well as a one-time setup costs in the first year. The cost for a family services specialist is \$92,174 in FY 2022 and \$87,011 in FY 2023 and each year thereafter. The total cost of the additional local workers is estimated at \$330,536 in FY 2022 (\$279,303 GF and \$51,233 local match), and \$312,021 in FY 2023 (\$263,658 GF and \$48,363 local match) each year thereafter. According to the agency, the process of disclosing a child's location is not a federally reimbursable activity because the child is not in the custody of a LDSS; therefore, no federal funding is available to support this legislation.

### **Summary**

The total cost of this legislation is \$330,536 (\$279,303 GF and \$51,233 local match) in FY 2022 and \$312,021 (\$263,658 GF and \$48,363 local match) in FY 2023 and each year thereafter. There is an additional cost of \$125,000 GF in the first year that is not accounted for in the numbers above, or in the figures in Item 7a. This amount is for the systems updates, if it is determined that the LDSS are responsible for determining custody status.

**9. Specific Agency or Political Subdivisions Affected:** Department of Social Services, local departments of social services, courts

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.