

## Department of Planning and Budget

### 2022 Fiscal Impact Statement

**1. Bill Number:** SB396-H1

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

**2. Patron:** Edwards

**3. Committee:** Appropriations

**4. Title:** Foster care placements; court review; best interests of the child.

**5. Summary:** Provides that the court has the authority to review a foster care plan placement determination by a local board of social services. The bill requires a foster care plan to assess the stability of proposed placements, the services provided or plans for services to be provided to address placement instability, and a description of other placements that were considered for the child.

The second enactment clause of the bill also (i) requests that the Committee on District Courts study child dependency hearings in the Juvenile and Domestic Relations District Court system and make recommendations to the Governor and General Assembly as to whether a separate docket or court would result in better service to children and families involved in child dependency hearings.

The third enactment clause directs the Office of the Children's Ombudsman to convene a work group to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases.

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

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

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars*</i>	<i>Positions</i>	<i>Fund</i>
2023	\$184,333	-	General fund
	\$102,371	-	Nongeneral fund
2024	\$137,815	-	General fund
	\$84,002	-	Nongeneral fund
2025	\$137,815	-	General fund
	\$84,002	-	Nongeneral fund
2026	\$137,815	-	General fund
	\$84,002	-	Nongeneral fund
2027	\$137,815	-	General fund
	\$84,002	-	Nongeneral fund

2028	\$137,815	-	General fund
	\$84,002	-	Nongeneral fund
2029	\$137,815	-	General fund
	\$84,002	-	Nongeneral fund

\*In addition to the amounts above, a 15.5 percent local match for local staff and operations is necessary in FY 2023 (\$43,089) and each year thereafter (\$40,688).

**8. Fiscal Implications:** This bill requires that local departments of social services (LDSS) include additional information in their foster care plans, which the courts will in turn review during scheduled foster care related hearings. This additional information includes placement stability information and a placement stability assessment, as well as factors related to the child's placement.

These changes will likely require increased LDSS resources, as the Department of Social Services (DSS) anticipates that the additional information in the foster care plans will require court hearings to last longer. At minimum, children in foster care have two foster care court hearings a year; but, many children have three or more hearings annually. Many children in foster care are in placements considered "stable" and would not require additional time at their hearings for review. The bulk increase in time spent in court will likely include children who experience placement instability and disruptions, or when there are multiple parties seeking placement or custody.

DSS estimates the additional requirements will result in an average of one additional hour of LDSS staff time per court hearing. The agency estimates that approximately 2,000 youths in care, out of a total of about 5,000, will require additional court hearing time because of placement instability or other placement issues noted in the foster care plan. Because of the additional placement-related information, DSS estimates an additional 4,000 hours (average two foster care court hearings a year x 2,000 impacted foster care cases) of LDSS staff time would be needed per year. Position cost estimates for state effort are based on full-time equivalent (FTE) positions and are assumed to have 1,500 productive work hours annually. Using this assumption, three additional Family Services Specialists with an average salary of \$51,924 would be needed. In fiscal year (FY) 2023, a total cost of \$277,993 (\$145,946 general fund; \$88,958 nongeneral fund; \$43,089 local match) in would be required to fund the equivalent of three additional local workers for this effort. Staff costs include salary, fringe benefits and a one-time on-boarding cost in the first year. In FY 2024 and each year thereafter, local staff costs would be \$262,505 (\$137,815 general fund, \$84,002 nongeneral funds; \$40,688 local match).

In FY 2023, the agency estimates that there will be \$50,000 (\$37,053 GF/\$12,948 NGF) in one-time costs to update the child welfare information system (OASIS and COMPASS) and \$1,800 (\$1,334 GF/\$466 NGF) for training needs to update coursework for local department Family Services Specialists.

According to the Office of the Executive Secretary of the Supreme Court of Virginia, this bill would have the likely effect of increasing the length and complexity of placement hearings. This is due to more robust provisions in Va. Code § 16.1-281(B) relating to foster care plans and placements, which the court has to review. These changes would require longer removal, foster

care, and permanency planning hearings. Though the effect upon the courts' dockets is expected to be substantial, it is not possible to fully quantify the magnitude of the impact, and thus the fiscal impact is indeterminate.

**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.