

## Department of Planning and Budget 2008 Fiscal Impact Statement

**1. Bill Number:** HB 1489

House of Origin      X     Introduced                 Substitute                 Engrossed  
Second House                In Committee             Substitute                 Enrolled

**2. Patron:**        Fralin

**3. Committee:**   Courts of Justice

**4. Title:**         Foster care plan; eliminates requirement for child placed out of his home be filed by public agency

**5. Summary:** This bill amends and reenacts §§16.1-281, 16.1-282 and 16.1-282.1 of the Code of Virginia related to the foster care plan. These sections describe the types of court hearings for children in foster care, and the conditions and requirements for conducting court hearings for a child who is in foster care. This bill removes language requiring the case of a child who is placed through an agreement between a parent and public agency designated by the community and policy management team to be heard in court pursuant to these code sections.

**6. Minimal Fiscal Impact**

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** Under current law, a parent that has a child who needs mental health treatment and has exhausted all resources will go to the local department of social services (LDSS), or a public agency as designated by the community policy and management team (Community Services Board or Court Services Unit), for assistance. The local department or public agency can enter into an agreement with the parent whereby the parent retains custody, but the child will be placed out of the home so he/she can receive mental health services (such as treatment in a residential facility). When the child is placed through an agreement with a non-LDSS agency, the case must still be heard in court. The work involved includes preparing a foster care plan, filing court petitions and preparing for three court hearings within one year. Non-LDSS public agencies manage these cases, but they are not trained in court procedures so they rely on the local departments of social services to guide them through the legal process.

This legislation will allow those children who use a public agency for mental health reasons to avoid the court proceedings. This will moderately reduce the local departments' workload because they will no longer be relied upon to assist the public agencies in preparing for court. In FY 2007, there were 181 children who entered foster care solely for mental health reasons.

This averages out to 1.5 children per local agency. While there would be some savings (approximately three days per case), this would be spread across the entire state such that there would be no realized net savings.

**9. Specific Agency or Political Subdivisions Affected:**

Local departments of social services

Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 1/29/2008

**Document:** G:\2008 Fiscal Year\08 Session\FIS\HB1489.Doc

cc: Secretary of Health and Human Resources