

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB 788

House of Origin	<u> X </u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Quayle

3. Committee: Courts of Justice

4. Title: Department of Social Services; Nonattorney Employees to complete, sign and file petitions

5. Summary: The proposed legislation clarifies current statutory authority authorizing nonattorney employees of the Department of Social Services (DSS) to complete, sign and file petitions and motions on forms approved by the Supreme Court of Virginia in DSS cases in the juvenile and domestic relations district court. Furthermore, this bill provides that any orders entered prior to the effective date of this bill are not deemed void or voidable solely because the underlying petitions and motions were signed by nonattorney employees.

6. No Fiscal Impact.

7. Budget Amendment Necessary: No

8. Fiscal Implications: None

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

10. Technical Amendment Necessary: No

11. Other Comments: This bill clarifies existing statutory language authorizing non-attorney employees of the Division of Child Support Enforcement (DCSE) to continue to complete, sign and file petitions with the court as they have historically done. Passage of this bill will help avert any challenges and safeguard the continuation of this practice. However, if the bill is not passed and the division's use of non-attorney employees for this purpose is successfully challenged, the only options would be for the Assistant Attorneys General to take on this additional workload or for the division to hire additional attorneys. The division files approximately 56,000 pleadings per year. Requiring the approximately forty Assistant Attorneys General to review and sign that number of pleadings will be burdensome and will require many extra hours of work for those who are already covering eight to twelve juvenile court dockets per month, preparing/trying circuit court cases, doing committee work, and answering legal questions. It is more likely that the department would have to hire additional attorneys, which would result in an additional cost of approximately \$50,000 per month, or \$600,000 per year.

This bill is a companion to HB 1382.

Date: 1/24/2008

Document: G:\2008 Fiscal Year\08 Session\FIS\SB788.Doc

cc: Office of the Secretary of Health and Human Resources