

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB1207

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Heretick

3. Committee: Health, Welfare and Institutions

4. Title: Department of Social Services; investigative and enforcement proceedings; information provided.

5. Summary: Provides that persons who are the subject of a complaint involving abuse or neglect have a right to be provided with (i) un-redacted copies of notes and reports relating to the investigation and the names of the reporter and collateral witnesses and (ii) all other information that the Department of Social Services (Department) or local department intends to rely upon, in whole or in part, in reaching a determination regarding the complaint. The Department or local department may withhold from disclosure (a) the reporter's name, (b) the identity of a collateral witness, (c) the identity of any other person providing information, or (d) any other information connected to the investigation only upon a specific determination that such disclosure would endanger the well-being of a child or the life or safety of the reporter or collateral witness. The bill provides that the decision to withhold the name, identity, or other information may be appealed to the circuit court with the local department having the burden of proving by clear and convincing evidence that the disclosure would endanger the well-being of a child or the life or safety of the reporter or collateral witness or any other person providing information.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: Changes made to §63.2-1526 could have a fiscal impact if the local departments of social services (LDSS) had to go to circuit court to defend their decisions to redact information. This would require an attorney from the LDSS to represent the case. Some local departments employ attorneys on an hourly basis and others have full-time attorneys on staff. It is unknown how many cases could be appealed in court; however, the total is expected to be minimal. The courts would also see a small increase in their docket.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.