

## Department of Planning and Budget

### 2018 Fiscal Impact Statement

**1. Bill Number:** HB986

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

**2. Patron:** Gilbert

**3. Committee:** Courts of Justice

**4. Title:** Foster care and adoption; disclosure of information prior to placement.

**5. Summary:** Requires local boards of social services, prior to foster care placements, and directors of local departments of social services and child-placing agencies, prior to adoptions, to disclose to the foster parents, adoptive parents, or children's residential facility information regarding whether the child has been the victim or perpetrator of sexual abuse. The bill provides that any person who knowingly fails to provide such information is guilty of a Class 1 misdemeanor.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** There is no fiscal impact to the Department of Social Services, if this bill is enacted. This legislation adds a requirement that the written agreement entered into between the local department of social services (LDSS) and the placement provider shall include a statement that the LDSS has provided all known information regarding whether the child has been a victim or perpetrator of sexual abuse. Additionally, the investigation report required by the Circuit Court for adoption cases must now include information regarding whether the child has been a victim or perpetrator of sexual abuse. Any person who fails to provide such information is guilty of a Class 1 misdemeanor.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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

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

**11. Other Comments:** None.