

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: HB1730-ER

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

2. Patron: Brewer

3. Committee: Passed Both Houses

4. Title: Foster care; security freeze on credit report.

5. Summary: Requires local departments of social services to request the placement of a security freeze on the credit report or record of any child who is less than 16 years of age and who has been in foster care for at least six months in order to prevent cases of identity theft and misuse of personal identifying information. The bill directs local departments to request the removal of such security freezes upon the child's removal from foster care, upon the child's request if the child is 16 years or older, or upon determination by the local department that removal of the security freeze is in the best interest of the child. The bill clarifies that credit checks shall be conducted on all children 14 years of age or older but less than 18 years of age who are in foster care.

6. Budget Amendment Necessary: Yes.

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

7a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|----------------|
| 2019 | - | - | - |
| 2020 | \$121,977 | - | general |
| | \$179,778 | - | nongenera l |
| 2021 | \$63,893 | - | general |
| | \$95,598 | - | nongenera l |
| 2022 | \$63,893 | - | general |
| | \$95,598 | - | nongenera l |
| 2023 | \$63,893 | - | general |
| | \$95,598 | - | nongenera l |
| 2024 | \$63,893 | - | general |
| | \$95,598 | - | nongenera l |
| 2025 | \$63,893 | - | general |

| | | |
|----------|---|----------------|
| \$95,598 | - | nongenera l |
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*A \$54,801 local match in FY 20 and a \$28,705 local match annually thereafter is required due to this legislation.

8. Fiscal Implications:

Local Staffing Costs

The legislation requires local departments of social services (LDSS) to request the placement of a security freeze on the credit reports or records of children under the age of 16 who have been in foster care for at least six months. The Department of Social Services (DSS) estimates that approximately 75 percent of children in foster care stay for more than six months. Since the average length of stay in foster care for a child in Virginia is over 19 months, the majority of foster care children will be affected under this bill. Currently, the state office runs the annual credit checks of foster care youth on behalf of the LDSS. However, the LDSS, as the child's legal custodian, must take action to resolve any issues identified on the credit checks. Under the proposed requirements, the LDSS would also be responsible for requesting credit freezes from the three credit reporting agencies for the children in their care.

The credit freeze process requires submitting written requests along with: copies of the child's Social Security card and certified birth certificate, certification that the child is in foster care, and a copy of the worker's employee identification card. It is estimated that one hour of staff time will be sufficient to complete this activity. After the freeze is placed, a personal identification number (PIN) is provided to the LDSS from each credit agency and is needed in order to remove the freeze. It is estimated that one hour of staff time will be required to lift a credit freeze from all three agencies. In FY 2018, 2,308 children under the age of 16 entered foster care and 1,618 children under the age of 16 were discharged from foster care. Since these figures have remained reasonably consistent over the past several years, they were used to project the 3,349 hours of additional staff time that will be needed to act on the credit freezes annually ($3,349 \text{ hrs} = [1\text{-hour} \times 2,308 \text{ children entering care} \times 75\% \text{ in care for 6 months or more}] + [1\text{-hour} \times 1,618 \text{ youth exiting care}]$). Given 1,500 productive hours per local staff annually, the equivalent of 2.2 ($3,349/1,500$) additional LDSS staff is required. The average annual cost, including salary, benefits and nonpersonal services of employing a local Family Services Specialist used for this analysis is \$84,180, for a total estimated cost of \$185,196 ($2.2 \times \$84,180$) split among \$95,598 federal funds, \$63,893 general fund, and \$28,705 local funds.

Additionally, children under the age of 16 currently in foster care for six months or more when the legislation is implemented will need to have a freeze placed on their credit reports. There are currently 3,912 children under the age of 16 in care, of which it is estimated that 75 percent, or 2,934 children, will need to have freezes activated. There will be a one-time cost in FY 2020 of \$168,360 (\$84,180 federal funds, \$58,084 general fund, \$26,096 local funds) for local staff to activate freezes on the children in care.

In 2018, the federal government passed a law requiring all three major credit bureaus to allow consumers to freeze and unfreeze their reports free of charge, so there will not be a cost for those actions.

Under the substitute bill, local departments will continue to conduct annual credit checks on all children in foster care who are 14 years of age or older. The substitute clarifies that the

local department shall only conduct annual credit checks for children in foster care under 18 years of age. Current guidance from the federal government allows youth in the Fostering Futures program (ages 18 to 21) to object to having their credit report requested; however, the state Title IV-E agency must document efforts to comply with federal requirements.

Additionally, federal guidance requires that the state Title IV-E agency have an approach in place to work with young adults eligible for the Fostering Futures program (ages 18 to 21) to help them obtain their credit reports and dispute any inaccuracies. The Department of Social Services currently issues guidance detailing the requirements of the LDSS to assist youth in the Fostering Futures program in obtaining their credit reports.

Information Systems

This legislation would also require changes to OASIS, the Department's child welfare information system. Necessary updates include a PIN table linked to the case or child, an entry form, and an update to the roles and permissions to restrict PIN access to only those people who need that access. The Department estimates it would take 125 hours of developer time (average hourly rate of \$80) and 215 hours of Business Analysts' time (average hourly rate of \$45.07) for a total one-time cost of \$19,691 ([125 hours x \$80 rate per hour] + [215 hours x \$45.07 rate per hour]) in FY 2020. This cost is split \$6,193 federal funds and \$13,497 general fund.

Total costs of the legislation are \$353,556 in FY 2020 and \$185,196 each year thereafter.

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

10. Technical Amendment Necessary: None

11. Other Comments: None.