

Fiscal Impact Review 2019 General Assembly Session

Date: January 28, 2019

Bill number: SB 1257 (Introduced); Child abuse and neglect; clergy as mandatory reporters.

Review requested by: Chairman Reeves, Senate Rehabilitation and Social Services

JLARC Staff Fiscal Estimates

JLARC staff concur with the DPB fiscal impact statement that SB 1257 would likely have a small fiscal impact. SB 1257 would add clergy to the list of persons in Virginia who are required to report suspected child abuse or neglect. The DPB fiscal impact statement estimates that SB 1257 would increase costs by \$142,264 (general funds) annually due to a small increase in local department of social services investigations that would result from an increase in clergy-reported referrals. There are several reasons why the fiscal impact is expected to be small: the experience of another state shows that clergy referrals remain low even after enactment of a mandatory clergy reporting law, most children are already in contact with mandatory reporters, and large religious denominations have increasingly adopted internal policies requiring mandatory reporting by their clergy, so clergy may already be adhering to the policy in SB 1257.

An explanation of the JLARC staff review is included on the pages that follow.

Authorized for release:



Hal E. Greer, Director

Bill summary

SB 1257 would add ministers, priests, rabbis, imams, and duly accredited practitioners of any religious organization to the list of persons who are mandated to report suspected child abuse or neglect. The bill exempts such clergy members from the mandatory requirement when the information supporting the suspicion of child abuse or neglect (1) is required by the doctrine of the religious organization or denomination to be kept confidential or (2) would be subject to the exemptions set forth if offered as evidence in court (§ 8.01-400 or § 19.2-271.3). HB 1659 is a companion to SB 1257.

Fiscal implications

SB 1257 would add clergy to the list of persons in Virginia who are required to report suspected child abuse or neglect. This list already includes 18 different categories of mandatory reporters including healthcare providers, teachers, and social workers. According to the Virginia Department of Social Services (VDSS), clergy reported 94 referrals of suspected child abuse or neglect to VDSS and local departments of social services (LDSS) in FY 2018, which is less than 0.1 percent of the total number of referrals received (104,812).

Based on the limited information available, JLARC staff concur with the DPB fiscal impact statement that SB 1257 would likely result in a small increase in costs. The DPB fiscal impact statement estimates that the bill would increase costs by \$142,264 (general funds) annually. The fiscal impact statement estimates that there would be a small increase in the number of clergy-reported referrals as a result of the bill (from 94 referrals annually to 188 referrals annually). The additional costs assumed in the fiscal impact statement would be for the increased investigations that LDSS staff would need to undertake as a result of the additional referrals. (\$142,264 is the state share of the estimated costs; there would also be a local cost of an estimated \$26,096 annually.)

There are several reasons why the fiscal impact for SB 1257 is expected to be small, as indicated by the DPB fiscal impact statement:

- Georgia enacted a law in 2012 which required clergy to become mandatory reporters. Staff from the Georgia Division of Family and Children Services reported that, in recent years, clergy referrals made up approximately .25% of all referrals in Georgia. This rate of referrals is similar to what is estimated in the DPB fiscal impact for SB 1257.
- Most children are already in contact with existing mandatory reports, so their cases may be reported anyway. For example, 97% of school-age children in Virginia attend public or private school where teachers are already mandatory

reporters. 95% of children in Virginia have health insurance, which would support the assumption that many children are seen by medical staff who are already mandatory reporters.

- In recent years, large religious denominations have increasingly adopted internal policies requiring mandatory reporting by their clergy, so clergy may already be adhering to the policy in SB 1257. For example, the U.S. Conference of Catholic Bishops issued a charter concerning rules for the protection of children in June 2018 that requires all dioceses to report allegations of sexual abuse of a minor while maintaining protections for information shared during confession.

A further factor that would likely mitigate the fiscal impact of SB 1257 is that the small number of additional referrals would likely be dispersed among multiple LDSSs across the state. This would minimize the impact on any one LDSS, and it is possible that many LDSSs would be able to absorb the additional referrals within existing resources.

A 2014 report issued by the University of Michigan law school found that, based on 2000 data, states with clergy mandatory reporting laws had *lower* overall rates of reporting child maltreatment compared to states that did not have such laws. However, the report did not evaluate differences in reporting rates before and after a change in law in a given state, and the report assessed *total* rates of child maltreatment reports. Clergy reports make up a very small fraction of total child maltreatment reports, so trends in total maltreatment reports may not necessarily reflect trends in reports made by clergy.

If SB 1257 leads to additional arrests and convictions, there could be increased demands on the court system, jails, and state correctional facilities. However, any additional cost increase is expected to be negligible. Only a fraction of the small number of additional referrals would likely result in a criminal prosecution.

Budget amendment necessary? Yes

Agencies affected: Department of Social Services; local departments of social services

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