

Department of Planning and Budget 2021 Special Session I Fiscal Impact Statement

1. Bill Number: SB1206 ER

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

2. Patron: Barker

3. Committee: Passed both houses

4. Title: Confidentiality of juvenile court records; exceptions.

5. Summary: This proposal allows confidential reports and records subject to this provision (§ 16.1-300) to be open for inspection to:

- The Department of Social Services or any local department of social services providing services, care, or referral for family assessment or investigation and the provision of services in accordance with subsection A of § 16.1-277.02 regarding, a juvenile who is the subject of the record and
- The Department of Behavioral Health and Developmental Services or any local community services board providing treatment, services, or care for a juvenile who is the subject of the record for a purpose relevant to the provision of the treatment, services, or care when these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to juveniles who are the subject of the records.

In addition to the currently required reports and records, the bill also expands this provision to include the records of “children referred to a court service unit.” Prior to making any report or record open for inspection, the bill requires the court service unit or the Department of Juvenile Justice to determine which reports or records are relevant to treatment, etc. and to limit inspection only to the relevant reports or records. The bill also prohibits any local department of social services or local community services board that inspects such reports and records from disseminating any information received from such inspection unless required by law.

The proposal also requires the Virginia Commission on Youth to convene a work group to include representatives from the Department of Juvenile Justice, the Department of Social Services, the Department of Behavioral Health and Developmental Services, the Department of Education, youth and families with lived experience in the juvenile justice and child welfare systems, representatives of Virginia juvenile justice advocacy groups, representatives of local public defender offices, and representatives from other relevant state or local entities. The bill requires the work group to:

- Review current data and record sharing provisions with regard to youth served by the juvenile justice and child welfare systems.
- Make recommendations on best practices for the sharing, collection, and use of such data and records while respecting the privacy interests of youth and families.
- Report its findings and recommendations to the Governor and the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2021.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: All affected state agencies indicate that there is no material fiscal impact as a result of this bill.

9. Specific Agency or Political Subdivisions Affected: The Department of Social Services, local department of social services, the Department of Behavioral Health and Developmental Services, local community services board, the Department of Juvenile Justice, Courts, the Virginia Commission on Youth, the Department of Education, local public defender offices, and other state or local entities

10. Technical Amendment Necessary: No

11. Other Comments: None