

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** SB412

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

**2. Patron:** Morrissey

**3. Committee:** Judiciary

**4. Title:** Termination of parental rights; murder of child.

**5. Summary:** Requires the court to terminate the parental rights of a parent upon finding, based upon clear and convincing evidence, that termination of parental rights is in the best interests of the child and that the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was the child of the parent over whom parental rights would be terminated. The bill also requires local boards of social services to file a petition to terminate parental rights in such instances.

**6. Budget Amendment Necessary:** Yes.

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

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars*</i>	<i>Fund</i>
2023	\$36,560	General fund
	\$21,188	Nongeneral funds
2024	\$33,545	General fund
	\$20,447	Nongeneral funds
2025	\$33,545	General fund
	\$20,447	Nongeneral funds
2026	\$33,545	General fund
	\$20,447	Nongeneral funds
2027	\$33,545	General fund
	\$20,447	Nongeneral funds
2028	\$33,545	General fund
	\$20,447	Nongeneral funds
2029	\$33,545	General fund
	\$20,447	Nongeneral funds

\* In addition to these costs, there is a 15.5 percent local match rate for local costs. The local match is \$10,263 in FY 2023 and \$9,904 in FY 2024 and each year thereafter.

**8. Fiscal Implications:** This legislation would allow for the termination of residual parental rights by a court, if it is (i) in the best interests of the child and (ii) if the parent has been

convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was the child of the parent over whom parental rights would be terminated. The legislation goes on to require that the local board of social services file a petition to terminate the parental rights of a parent who is convicted of any of the offenses listed above.

There will be a fiscal impact on the Department of Social Services (DSS) and the local departments of social services (LDSS). Requirements of the bill would increase staff time at local departments and would require updated training from DSS. This legislation would require local boards of social services to file a petition to terminate rights in all cases where there is a near fatality and the child in care was the victim. Child Protective Services (CPS) units across the Commonwealth reported 14 near fatalities in state fiscal year (FY) 2020.

DSS estimates that there would be three court hearings for each instance in which a LDSS terminates parental rights related to the provisions in this bill. Approximately eight hours of staff time is required for a local worker to prepare for and attend each hearing ( $8 \times 3 = 24$ ). Assuming 14 near fatalities each year, it is estimated that 336 hours of local staff time would be required to file and terminate parental rights. These hearings would be attended by a local department family services specialist (FSS) worker and a local city or county attorney.

Position cost estimates for local effort are based on full-time equivalent (FTE) positions and 1,500 productive work hours annually. Average position costs include salary, fringe benefits, nonpersonal position costs (such as a phone and computer charges).

Costs for local workers to attend and prepare for termination of parental rights hearings related to near fatalities are estimated to be \$66,211 in FY 2023 and \$63,896 in FY 2024 and each year thereafter. Local staff costs are funded with 52.5 percent general fund, 32 percent federal funds, and 15.5 percent local match.

In addition, there will be a one-time cost of \$1,800 for the DSS training unit to update the new worker foster care training course. Training updates will be funded with general fund dollars. Courts are likely to have a minimal impact.

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

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

**11. Other Comments:** None.