



Virginia Department of Planning and Budget **Economic Impact Analysis**

22 VAC 40-705 – Child Protective Services

22 VAC 40-700 – Child Protective Services Central Registry Information (to be repealed)

**22 VAC 40-720 – Child Protective Services Release of Information to Family Advocacy
Representatives of the United States Armed Forces (to be repealed)**

Department of Social Services

January 30, 2014

Summary of the Proposed Amendments to Regulation

The State Board of Social Services (Board) proposes to repeal 22 VAC 40-700 and 22 VAC 40-720 and consolidate the rules contained in these regulations into 22 VAC 40-705 so that all rules relating to child protective services are in one regulation. The Board also proposes to make many clarifying changes, as well as several substantive changes, to current language contained in 22 VAC 40-705. The substantive changes proposed by the Board include:

- 1) Removing language that require child protective services workers to have some indication of abuse or neglect other than prenatal drug or alcohol exposure to make a finding that a newborn has been abused or neglected and
- 2) Requiring child protective services (CPS) workers and supervisors to complete a minimum of 24 hours of continuing education annually.

Result of Analysis

Benefits outweigh costs for most proposed regulatory changes. For two regulatory changes, there is insufficient information to ascertain whether benefits will outweigh costs.

Estimated Economic Impact

The Board proposes to make many clarifying changes to this regulation. None of these clarifying changes impose new restrictions or requirements on any entity but instead are aimed at making regulatory text more understandable. Consequently, no entity is likely to incur any costs

on account of these changes; to the extent that CPS rules are made less opaque, affected entities will likely benefit from them.

Currently, regulations require child protective services workers to have some indication of abuse or neglect other than prenatal drug or alcohol exposure to make a finding that a newborn has been abused or neglected. The Board proposes to remove this requirement from regulation while leaving it in DSS policy at the behest of the Attorney General's office. In general, language that is part of the Administrative Code is more protective of the public than language that is in agency policy because it is normally legally binding and because regulatory language can normally only be changed through a process that provides public notice and opportunities for the public to affect the proposed changes; but agencies do not necessarily follow a similar process when policy is changed. Because of this, parents of drug exposed infants and members of the general public who might want an opportunity to become involved when there is a shift in the rules Local Department of Social Services (LDSS) work under will likely be worse off if this language is removed from the regulation. There is insufficient information to gauge whether benefits that might accrue on account of this change would outweigh the costs for these individuals.

Current regulations do not require CPS workers to complete any continuing education. The Board now proposes to require all CPS workers and supervisors to complete 24 hours of continuing education annually. Board staff reports that local Departments of Social Services (LDSS) do not normally have to pay for continuing education classes because there are many class options available at no additional cost to them. They can, for instance have CPS staff take online classes available through the Commonwealth's online Knowledge Center or this staff can participate in online and face-to-face classes and seminars offered through the State Department of Social Services as well as other state and federal agencies. Board staff reports that CPS workers and supervisors will be paid for time spent completing required continuing education. This means that LDSS will incur implicit costs for time that workers and supervisors spend meeting this proposed requirement instead of completing their normal job tasks. The value of that time can be calculated by multiplying the number of CPS workers and supervisors times their hourly wages times the 24 hours of newly required continuing education. Exact numbers of CPS workers and supervisors are not available but would be a subset of the total number of

equivalent Family Service Specialists that are in the employ of LDSS's (2,245)¹. These workers have an average salary of roughly \$48,000 per year (or roughly \$23 per hour)². Using these numbers, LDSS' implicit cost of time spent in annual training for each affected CPS worker and supervisor would be roughly \$552. To the extent that continuing education helps CPS workers complete their job tasks more efficiently or improves outcomes for CPS programs, LDSS's will benefit from this requirement. There is insufficient information to ascertain whether any such benefit will outweigh the costs listed above.

Businesses and Entities Affected

These proposed regulatory changes will affect all 120 LDSS's and their CPS workers and supervisors, as well as families who are the subject of abuse or neglect investigations and other individuals who might be interested in the rules the govern child protective services.

Localities Particularly Affected

These proposed regulatory changes will affect all 120 LDSS.

Projected Impact on Employment

The proposal amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use and value of private property.

Small Businesses: Costs and Other Effects

These proposed regulatory changes affect LDSS's and members of the public but are unlikely to directly affect any small business in the Commonwealth.

Small Businesses: Alternative Method that Minimizes Adverse Impact

These proposed regulatory changes affect LDSS's and members of the public but are unlikely to directly affect any small business in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs.

¹ Information provided by the State Department of Social Services.

² \$48,000 divided by 2080 which is assumed to be the number of hours normally worked in a year.

Legal Mandate

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulation would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,
- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

Town Hall ID: Action #3902/Stage #6617