Virginia Department of Planning and Budget
Economic Impact Analysis

6 VAC 20-160 Regulations Relating to the Court-Appointed Special Advocate Program Requirements
Department of Criminal Justice Services
Town Hall Action/Stage: 6347 / 10386 Proposed
June 29, 2026

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 (Code) and Executive Order 19. The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation

The Board of Criminal Justice Services (Board) seeks to amend the regulation governing the Court-Appointed Special Advocate (CASA) program. The proposed amendments are intended to update, simplify, and clarify requirements for local CASA programs in Virginia.

Background

The CASA program provides trained volunteers to assist courts in cases involving children who are alleged to be abused, neglected, in need of child welfare services, or in need of supervision. CASA volunteers are appinted by juvenile court judges to, "serve as independent advocates for the best interests of children involved in judicial proceedings and help courts make informed decisions regarding their safety, permanency, and well-being."

The Virginia Department of Criminal Justice Services (DCJS) provides administrative oversight and coordination for the CASA programs that operate in Virginia. As of FY 2025, there were 27 CASA programs in Virginia; 20 of these programs span multiple localities (based on juvenile court jurisdictions) while seven localities have a single-jurisdiction CASA program. Three CASA programs are operated by localities; all other CASA programs are registered non-

[1] See Code § 2.2-4007.04 (A).

profit organizations. CASA programs can range in size from having seven-ten volunteers and serving roughly 20 children per year, to having 170 volunteers and serving 400 children per year. Not all localities are covered by CASA programs since they operate at the behest of the juvenile court judges; about 42 localities do not have a CASA program.

The regulation governing CASA programs (6 VAC 20-160), was last amended in 2008; the changes made at the time included a new requirement that CASA programs, "shall be in compliance with Standards for National CASA Association (NCASAA) Member Programs." DCJS reports that, "although the national standards offer best practice guidance, CASA programs have consistently reported that the sheer volume of requirements, the frequency of revisions, and the limited guidance and technical assistance provided by the national organization make compliance overly burdensome." Further, DCJS reports that the NCASAA standards have been revised five times since 2012 and currently contain 624 requirements; for example, the national standards related to financial management alone contain 91 individual requirements.

In response to these concerns, DCJS seeks to strike the broad requirement that CASA programs comply with NCASAA standards and instead insert the most essential current NCASAA standards directly in the regulatory text. DCJS reports that in aggregate, transitioning from the NCASAA standards to the requirements that would be added to the regulation would reduce the burden on CASA programs. For example, although the proposed changes include the insertion of several policy requirements, DCJS reports that CASA programs already have these policies in place and that these policies are necessary to protect the safety of the children served and the integrity of the CASA program.

The most substantive changes are summarized below. In addition to the changes described above, DCJS seeks to make two proposed changes that would create new requirements in practice; these two changes appear in sections 20 and 40, and are underlined.

- Section 20 (CASA program governance) would be amended to require that the governing boards of nonprofit CASA programs include <u>training on the duties and responsibilities of nonprofit board members known as the "duty of care," "duty of loyalty," and "duty of obedience"</u> as part of the (already required) board orientation.

- Section 30 (Recordkeeping and monitoring) would be amended to require CASA programs to develop policies (i) on the maintenance of complete case records gathered about each child served by the CASA program according to guidelines established by DCJS, (ii) on record retention, (iii) that require CASA volunteers to return all documents and information gathered during case assignment to the local CASA program office upon case closure, and (iv) that require CASA volunteers to destroy all forms of electronic communication and files gathered during the case.
- Section 40 (Program and personnel policies) would be amended to strike the current requirement to comply with NCASAA standards and update the program and policy requirements.
    - The proposed language would specify that policies should be reviewed and updated at least every four years.
    - The policy on volunteer evaluation would be amedended to specify that such evaluation be conducted annually.
    - A policy on the CASA volunteer's responsibility to visit the child at least once a month and acceptable exceptions would be added to the list of policies required by this section.
    - <u>The staff-to-volunteer ratio would be capped at one full-time equivalent staff to 25 volunteers; this is a reduction from the current 1:30 ratio.</u> The current language allows for CASA programs to request a variance from DCJS if this ratio is exceeded. DCJS reports that this change is necessary due to the increased complexity of court cases and that most CASA programs already meet this ratio.
    - Specific responsibilities of the Director and Program/Volunteer Coordinator would be struck. Instead CASA programs would be required to develop human resource and personnel policies and financial management policies. The proposed changes would include specific elements that must be addressed by these policies and require CASA programs to use a financial management system that demonstrates and ensures the tracking of funds.

  - Requirements pertaining to reports required by Virginia statute would also be added to this section; DCJS reports that these would be included so that this section provides a comprehensive list of program and policy requirements.

- Section 50 (Case management) would be amended to allow a CASA volunteer to be assigned to a case when there is a personal relationship provided the relationship would not create a conflict of interest. The current regulation does not allow any professional connection or close personal relationship, regardless of whether a conflict of interest would be created. DCJS reports that there are rare cases, especially in small communities, where advocates may have personal relationships with the children whose cases they are appointed to.
- Section 60 (CASA volunteer duties and responsibilities) would be amended to replace a vague requirement that CASA volunteers "follow specific policies regarding the nature of assistance" with the specific requirements contained in Virginia statute.
- Section 70 (Confidentiality) currently includes, "To the extent permitted by state and federal confidentiality laws, CASA volunteers should share information gathered with other involved professionals whenever possible and practicable." This language would be struck and replaced with specific instances/person with whom volunteers must share certain information, or documents, or both, and the instances where volunteers cannot share information without a signed release of information.
- Section 100 (Screening and application process for volunteers) would be amended to add that the program shall obtain information from the national sex offender registry and criminal records from the jurisdictions in which the volunteer applicant currently resides and works.
- Section 120 (Pre-service training) currently references the NCASAA training curriculum; the proposed changes would instead require the use of a training curriculum approved by DCJS. The minimum standards for the training curriculum would be amended to

modernize the language and update and clarify the areas to be covered by the training.[2] Requirements pertaining to in-service training would be seaparted into a new section 130.

The proposed changes also include other clarifying and technical amendments.

Estimated Benefits and Costs

As mentioned previously, DCJS anticipates that the proposed amendments would benefit CASA programs by providing clear, comprehensive, and consistent minimum standards that are (a) less stringent than the NCASAA standards that are currently required and (b) would not be revised as frequently. This consistency would also allow CASA programs to operate more efficiently by focusing on their core functions without having to devote resources to keep up with changing standards.

Two of the proposed changes reflect a change in current practice and CASA programs may incur a cost to implement those changes.

(i) Section 20: the requirement to include training on board members' primary duties and responsibilities is unlikely to create any new costs as training materials on nonprofit board governance are easily available online.[3] However, some CASA programs may incur costs if they choose to engage a facilitator or consultant to provide this training.

(ii) Section 40: Lowering the limit on the number of volunteers-per-staff from 30 to 25 may require some CASA programs to hire additional staff, especially if their caseload grows. However, DCJS reports that most programs already meet this limit and the regulation allows CASA programs that exceed this limit to request approval from DCJS.

Businesses and Other Entities Affected

The proposed changes directly affect the 27 CASA programs currently operating in Virginia. (DCJS reports that one program is closing effective July 1, 2026, which would reduce the number to 26.) As mentioned previously, three programs are run by localities and the other 23 are nonprofit organizations.

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[2] All of the current requirements would broadly remain except for, "The development of a general understanding of the codes of ethics of other professionals with whom the CASA volunteer will be working."

[3] For example, see https://www.councilofnonprofits.org/running-nonprofit/governance-leadership/board-roles-and-responsibilities and https://www.boardeffect.com/blog/fiduciary-responsibilities-nonprofit-board-directors/.

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[5] Lowering the limit on volunteers per staff could increase costs for some CASA programs if they have to hire additional staff to meet the new limit. Thus, an adverse impact is indicated.

Small Businesses[6] Affected:[7]

The proposed amendments would not adversely affect small businesses. The 23 CASA programs that are registered nonprofit organizations may be affected to the extent that the new limit on the staff-to-volunteer ratio is binding.

Localities[8] Affected[9]

Hanover, Chesapeake, and Wise Counties run CASA programs and their local governments would be directly impacted by the proposed changes; however, they may not incur any costs unless they have to hire additional staff.

Other localities would be affected if they are served by a CASA program.[10] However, those local governments would not be affected by the proposed amendments.

Projected Impact on Employment

The proposed amendments could marginally increase hiring by CASA programs to the extent that the new limit on the staff-to-volunteer ratio is binding.

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[4] See Code § 2.2-4007.04 (D).

[5] Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[6] Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.”

[7] See Code § 2.2-4007.04 (A.2). and Code § 2.2-4007.1 (C).

[8] “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

[9] Code § 2.2-4007.04 defines “particularly affected" as bearing disproportionate material impact.

[10] See https://virginiacasa.org/va-programs/ for a map of CASA program coverage.

Effects on the Use and Value of Private Property

The proposed amendments would not affect the use and value of private property. The proposed amendments do not affect real estate development costs.