



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 20-160 – Rules Relating to the Court Appointed Special Advocate Program
Department of Criminal Justice Services
July 5, 2007

Summary of the Proposed Amendments to Regulation

The Criminal Justice Services Board (Board) proposes to amend its rules for the court appointed special advocate (CASA) program in several ways. The Board proposes to 1) change the staff to volunteer ratio that CASA programs must maintain, 2) reduce from three to two the number of children/sibling groups for whom a CASA volunteer may advocate at any one time and 3) allow volunteer training obtained before application to a local CASA program to count toward required training hours so long as that training meets National Court Appointed Special Advocate Association (NCASAA) standards. The Board also proposes to specify the topics that must be covered in training for new CASA Governing Board members and require a Central Registry background check for all volunteer applicants who have lived outside of Virginia any time in the last five years.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Current regulation requires CASA programs to maintain a volunteer to staff ratio of not greater than 25 to 1. Currently there are no restrictions on what other responsibilities staff may take on while supervising volunteers. The proposed regulation changes the maximum staff to volunteer ratio to 1:30 but requires this ratio be lowered proportionally if staff also have administrative or other duties for which they are responsible. For example, a CASA program staff person who spends half their time on administrative tasks would only be able to supervise

15 volunteers. The Department of Criminal Justice Services (DCJS) reports that, because the proposed regulation accounts for other staff duties, volunteers in most programs will likely get more supervision than they do under current standards. Additionally, this change will bring all CASA programs in the Commonwealth into compliance with NCASAA standards.

This change may result in CASA programs having to either hire more staff or turn away volunteers because they lack the staff to meet supervision requirements. DCJS surveyed the 27 CASA programs that currently operate in the Commonwealth. Of the nine that replied, representatives of seven programs did not anticipate having to hire additional staff to comply with the proposed regulation. Representatives of two programs did not know if they would have to hire additional staff on account of this proposed change. Representatives of eight programs did not anticipate having to turn away volunteers; the representative for the other program did not know if they would have volunteers that could not be accommodated. To the extent that closer supervision helps volunteers better advocate for the children they represent, this regulatory change may lead to better outcomes for those children.

Current regulation allows CASA volunteers to represent up to three children or two sibling groups at one time. CASA programs can currently submit a rationale to DCJS if they wish to have a volunteer carry a greater case load. The proposed regulation is somewhat more restrictive and allows volunteers to represent up to two children or two sibling groups. Programs will still be able to apply to DCJS for exceptions to this rule. This change will bring Virginia's CASA programs into compliance with NCASAA standards.

This change will likely reduce the total number of children that CASA programs statewide can serve at any one time and may result in eligible children not being served. DCJS reports that most programs only assign one case at a time to volunteers and, so, CASA programs do not anticipate having to immediately either turn away clients or recruit more volunteers. This proposed change will likely allow volunteers with maximum caseloads to give more individual attention to each child that they represent. This may lead to a more thorough understanding of these children's individual needs and, therefore, to better outcomes for them.

Current regulation requires all CASA volunteers to complete a minimum of 30 hours of training after applying to a local CASA program but before they are assigned any cases.

Volunteers are currently not allowed to count any previous CASA training toward this requirement. The proposed regulation will allow volunteer applicants to use previous training to meet training requirements so long as that training used a NCASAA approved curriculum. This change will likely benefit CASA programs; they will likely get more volunteers since this change decreases the cost (in time and possibly money) of volunteering.

Current regulation requires new CASA Governing Board members to receive “board training within six months of their appointment”. The proposed regulation specifies the topics this training will cover. Specifically, new board members’ training will include “education about Virginia’s CASA programs, mission, goals, and objectives with emphasis on board members’ roles, fiduciary responsibilities and fundraising”. DCJS reports that board members will likely undergo the same number of hours of training under the proposed regulation as they do under current regulation. CASA programs will likely not incur any extra costs on account of this regulatory change; these programs may benefit if more targeted training causes board members to more effectively perform their duties.

Current regulation requires volunteer applicants who have lived outside of Virginia any time in the last three years to undergo a criminal background check through their former state of residence as a condition of application approval. The proposed regulation requires both a criminal background check and a central registry check for any applicant who has lived outside the Commonwealth within the last five years.

DCJS reports that, currently, few volunteer applicants have lived outside the Commonwealth in the last five years and, so, would be subject to checks under the proposed regulation. The nine programs that responded to DCJS’s survey report that between zero and 30 new volunteers per year who meet the requirements for these checks. Currently each program screens between 3 and 5 applicants (who have lived out of state) per year. The proposed regulation will likely increase the number of background checks that will need to be completed which will likely increase costs. The required central registry check will also likely increase costs either for CASA programs or for volunteer applicants. The cost of a criminal background check varies from state to state; a criminal background check in Virginia costs approximately \$15. DCJS reports that the cost of a central registry check varies from \$2 to \$15, depending on what state is involved. Either the CASA program or the volunteer applicants would bear these

increased costs. CASA programs may experience a slight decrease in the number of volunteer applications if either the cost or intrusion of these checks discourages certain individuals from volunteering. This proposed change may better protect these programs clients from individuals who ought not be allowed close contact with vulnerable children.

Businesses and Entities Affected

This proposed regulation will affect all 27 CASA programs in the Commonwealth, as well as their volunteers and client children. Of these 27 programs, 24 are run by private, non-profit entities and three are run under public auspices.

Localities Particularly Affected

Localities with public CASA programs will be particularly affected by the proposed regulation.

Projected Impact on Employment

If CASA programs have to increase staffing to comply with new staff to volunteer ratios, employment opportunities with CASA programs may increase.

Effects on the Use and Value of Private Property

The proposed regulation will likely have no affect on the use or value of private property.

Small Businesses: Costs and Other Effects

None of the entities affected by the proposed regulation are for-profit businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

None of the entities affected by the proposed regulation are for-profit businesses.

Real Estate Development Costs

Affected entities will likely not incur any real estate development costs on account of the proposed regulation.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act

and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.