

**Fiscal Analysis:** This bill establishes that appeals of final orders or judgments would be filed directly in the Virginia Court of Appeals for i) abuse and neglect, ii) at risk of being abused or neglected, and iii) permanency planning cases (hereinafter, “child dependency cases”), as well as termination-of-parental-rights cases. Currently, such cases are appealed from juvenile and domestic relations district court (JDR) to the circuit court,

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where they are heard de novo. The Office of the Executive Secretary of the Supreme Court provided the following information to help assess the fiscal impact of this bill.

JDR courts, unlike circuit courts, are not courts of record. Appealing cases directly from JDR to the Court of Appeals would require that a record be created in trial court, so that the record can be reviewed for error on appeal in the Court of Appeals. OES assumes that child dependency cases would require a half-day hearing, at an estimated cost of \$1,256 and termination-of-parental- rights cases would require a full day hearing, at an estimated cost of \$2,366. Between 2022 and 2024 there were an average of 9,683 child dependency cases and 1,800 termination-of-parental- rights cases filed in JDR each year.

Available information indicates that an average of 329 child dependency cases and 327 termination-of-parental-rights cases are currently appealed from JDR to circuit court each year. However, under the provisions of this bill, there would no longer be the option to try the case from the beginning (de novo appeals) in circuit court. OES believes parties would more likely appeal to the only other avenue that they have, the Court of Appeals, thus increasing the number of appeals heard by that court. However, the number of additional appeals that may be handled by the Court of Appeals each year is not known. Therefore, the cost of this provision is indeterminate.

OES also reports that JDR court and clerks' offices may not be equipped to function as a court of record and believes that the costs associated with enhancing JDR court capabilities may be substantial. In addition, OES believes that simultaneously operating as a court of record for specific case types and a court not of record for others may create inefficiencies that may require additional personnel within the clerks' offices. These costs are also indeterminate.

According to OES, the average 329 child dependency cases and 327 termination-of-parental-rights cases that are appealed each year to circuit court are expected to be heard by the Court of Appeals under this proposal. OES estimates that the Court of Appeals would require eight additional positions to accommodate the increased workload: one Senior Deputy Clerk, at \$111,231 general fund annually, one Termination of Parental Rights Specialist, at \$98,934 general fund annually, two Deputy Clerks, for a total of \$179,422 general fund annually, one Senior Clerk's Assistant, at \$80,449 general fund annually, and three Clerk's Assistants, at \$232,243 general fund annually. The annual general fund total for these positions is \$702,279 (salary and benefits included).

OES also reports that additional office space would be needed to accommodate the new Court of Appeals staff. OES provided an estimate of \$32,000 annually; however, further analysis of options would have to be conducted to determine an actual cost.

Finally, OES reports that any additional workload resulting from the provisions of this bill may require additional Court of Appeals judges in the future. The current cost of an additional Court of Appeals judge is \$329,750 general fund, annually. OES reports that each judge would require two Law Clerk positions and one Administrative Assistant, and that additional office space may also be needed. However, the extent to which

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the bill would increase the need for additional Court of Appeals judges cannot be known at this time. Therefore, the future costs are indeterminate.

**Other:** None