

**Department of Planning and Budget**  
**2026 General Assembly Session**  
**State Fiscal Impact Statement**

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**PUBLISHED: 2/17/2026 2:04 PM**

**ORIGINAL**

**Bill Number:** HB942 E

**Patron:** Clark

**Bill Title:** Child abuse and neglect; custody and visitation; possession or consumption of authorized substances.

**Bill Summary:** As engrossed, provides that a child shall not be considered an abused or neglected child, and no person shall be denied custody or visitation of a child, based only on the fact that the child's parent or other person responsible for his care, or the person petitioning for custody or visitation of the child, possessed or consumed legally authorized substances. The bill directs the Board of Social Services to amend its regulations, guidance documents, and other instructional materials to ensure that such regulations, documents, and materials comply with, and that investigations and family assessments are conducted by local departments of social services in accordance with the provisions of the bill.

**Budget Amendment Necessary:** No

**Items Impacted:** n/a

**Fiscal Summary:** Minimal/absorbable fiscal impact.

**Fiscal Analysis:** This legislation clarifies that a child shall not be considered abused or neglected based on a parent's possession or consumption of authorized substances; this same clarification is also extended as it relates to an individual's eligibility for custody or visitation of a child. As engrossed, the bill no longer provides that court-ordered drug testing related to custody and visitation proceedings shall exclude testing for any substance permitted for lawful use by an adult pursuant to existing state law. The Board of Social Services is required to amend its regulations, guidance documents, and other instructional materials to reflect the provisions of the bill and further ensure that all investigations and family assessments conducted by local departments of social services (LDSS) are in line with the provisions of the bill.

The Department of Social Services (DSS) reports that this legislation codifies existing practices at LDSS as it relates to determining the validity of reports of child abuse or neglect wherein substance use is alleged and would not create additional responsibilities or impacts. DSS further reports that the provisions of this bill relating to custody and visitation proceedings cover private custody and visitation matters and do not impact custody or visitation proceedings involving DSS. It is expected that any impacts associated with amending regulations or updating guidance documents and instructional materials will be minimal and absorbable within existing resources.

The Office of the Executive Secretary of the Supreme Court of Virginia does not anticipate a fiscal impact to the Courts system resulting from this legislation.

**Other:** n/a