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

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Bill Number: SB305 ER **Patron:** Pekarsky
Bill Title: Kinship foster care; barrier crime waiver, report.

Bill Summary: Establishes a process by which a local department of social services may apply for a barrier crime waiver on behalf of an individual who has been convicted of a Virginia barrier crime that does not otherwise fall under a barrier crime exception and is not (i) included on the list of federal barrier crimes; (ii) a violent felony offense as defined in § 17.1-805 of the Code of Virginia; or (iii) an offense requiring registration pursuant to § 9.1-902 of the Code of Virginia as it relates to the approval of the individual's home as a kinship foster home. The bill creates a process by which a local department of social services may apply to the Department of Social Services for a waiver and for the Department to evaluate such application. The bill further requires the Department of Social Services to file an annual report by December 1 of each year with specific information about the barrier crime waiver process and submit such report to the General Assembly.

Budget Amendment Necessary: No **Items Impacted:** n/a

Fiscal Summary: Minimal/absorbable fiscal impact.

Fiscal Analysis: This bill requires the Department of Social Services (DSS) to establish a barrier crime waiver process as it relates to the approval of an individual's home as a kinship foster home and supply information about the waiver process to qualifying individuals. Local departments of social services (LDSS) are permitted to apply to DSS for such a waiver on behalf of an individual meeting the conditions outlined in the bill after conducting an assessment of the individual and related circumstances. DSS is required to evaluate all applications submitted by LDSS and notify the LDSS of its decision in writing. DSS is also directed to create an annual report detailing the specifics of the waiver process as defined in the bill and submit such report to the Senate Committee on Rehabilitation and Social Services and the House Committee on Health and Human Services by December 1 of each year.

DSS does not have data on the number of individuals deemed ineligible for a kinship foster care placement because of a barrier crime, nor an estimate of the number of potential eligible applicants for a barrier crime waiver. However, DSS expects that staff members at DSS and LDSS currently conducting eligibility determinations can take on any additional responsibilities associated with the barrier crime waiver application and review process.

It is further expected that any additional costs associated with the provisions of this legislation, including the development of a waiver application, distribution of associated informational resources, the promulgation of regulations, and the compilation of waiver-related data into an annual report, will be minimal and absorbable within existing resources.

Other: SB305 may be a companion to HB632.