

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

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ORIGINAL

Bill Number: HB942 ER

Patron: Clark

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

Bill Summary: Provides that no person shall be denied custody or visitation of a child based only on the fact that such person legally possesses or consumes legally authorized substances. The bill further clarifies that a parent or other person responsible for a child's care shall not be construed to have failed a court-ordered drug test that is ordered as part of a custody and visitation proceeding if the drug test includes a positive result for a legally authorized substance. 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 no person shall be denied custody or visitation of a child based solely on the person's legal possession or consumption of legally authorized substances; the bill further clarifies that a parent or other person responsible for a child's care shall not be construed to have failed a court-ordered drug test that is ordered as part of a custody and visitation proceeding if the drug test includes a positive result for a legally authorized substance. 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 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