



February 16, 2020

**SUMMARY OF BILL:** Enacts Eli's Law (Law), which creates a presumption that any subsequent child born to a parent, from whose custody a child has been removed for being dependent or neglected and is in the custody of the Department of Children's Services (DCS), is dependent and neglected and it is in the best interest of any subsequent child to be removed from the parent's custody and placed in the custody of the DCS upon the subsequent child's birth. This applies to a parent or parents, or any other person who has been primarily responsible for the care of the child during the past twelve months.

Entitles any parent, whose child is removed from the parent's custody pursuant to such Law, to a judicial hearing regarding the child's removal within five days of the parent filing a petition with the court. Authorizes any such person, whose subsequent child has been removed from such person's custody and into the care of the DCS, to petition the court for the child to be returned to such person's custody; however, the child that was initially placed in DCS's custody must have been returned to such person's custody, or the court must find the return of the subsequent child is in the best interest of the child.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – Exceeds \$106,100/FY20-21 and Subsequent Years**

**Increase Federal Expenditures – Exceeds \$85,600/FY20-21 and Subsequent Years**

Assumptions:

- Based on information provided by the DCS, any possible increase in state expenditures to the Department is dependent on multiple unknown factors and cannot be reasonably determined.
- It is assumed that at least five children will be taken into DCS's custody each year as a result of this legislation, and will remain in DCS's custody for a full year.
- The average cost per day per child in the custody of DCS is estimated to be \$105.
- The recurring increase in expenditures associated with providing foster care payments for children in state custody is estimated to exceed \$191,625 (5 children x 365 days x \$105).
- The increase in expenditures of \$191,625 will consist of \$106,074 in state funding and \$85,551 in federal funding, as follows:
  - \$76,650 in DCS state funds (\$191,625 x 40.0%).

- \$29,424 in TennCare state funds [(\$191,625 x 45.0%) x 34.122%].
- \$56,807 in TennCare federal funds [(\$191,625 x 45.0%) x 65.878%].
- \$28,744 in federal funds (\$191,625 x 15.0%).
- The courts will not experience any significant increase in caseloads; therefore, any impact to the court system is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jdb