

## **FISCAL NOTE**

### **HB 2763 - SB 2763**

March 20, 2006

**SUMMARY OF BILL:** Requires grandparents of a child to be given the same rights as legal guardians in adoption proceedings; requires termination of the guardianship rights of a grandparent before the child can be adopted by any other person; gives a grandparent priority in adoption over everyone other than a parent, legal parent or putative father of a child.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$12,000,000**

**Other Fiscal Impact – Increase Federal Expenditures - \$7,000,000**

Assumptions:

- There are approximately 1,500 termination of parental rights (TPR) cases per year. This bill would require that blood grandparents are automatic parties. There will be a delay in permanency of children which will increase the number of days a child is in state custody.
- On average, the increase to the number of days a child is in state custody due to the delay of TPR cases is 120 days which will result in an increase in the total number of child custody days to 180,000 (1,500 X 120).
- The average cost per day is \$100 which will result in an increase to expenditures of \$18,000,000 (180,000 X \$100). Forty-five percent (45%) of such amount will be contributed through TennCare funds resulting in \$11,600,000 in state funds (DCS and TennCare state match) and \$6,400,000 in federal funds (TennCare federal match and Title IV-E funds).
- The Department of Children's Services (DCS) will need 19 additional case managers and four additional team leaders to diligently and reasonably search and find blood grandparents, involve them in permanency plans and target them as a less drastic alternative. DCS case managers would have to provide proof of diligent efforts to find the grandparents and DCS attorneys that appropriate notice has been given to grandparents since they would have automatic standing as parties in custody proceedings.

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- The total increase to expenditures for the 23 additional positions is \$1,176,100. Forty-five percent (45%) of such amount will be contributed through TennCare funds resulting in \$803,486 in state funds (DCS and TennCare state match) and \$372,614 in federal funds (TennCare federal match and Title IV-E funds).
- There will be an increase to the caseloads of the state trial courts that handle adoptions and in the juvenile and family courts. Such an increase may result in the need for additional resources to accommodate the additional judicial time and cases that may result from this legislation.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director