

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 141*

Short Title: Family Preservation Act.

(Public)

Sponsors: Senators Marvin; Basnight, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Lee, Plexico, Plyler, Richardson, Seymour, Sherron, Smith, Tally, Walker, Ward, and Warren.

Referred to: Human Resources.

February 20, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR FAMILY PRESERVATION SERVICES, TO
2 ESTABLISH THE COMMISSION ON FAMILY-CENTERED SERVICES, AND
3 TO APPROPRIATE FUNDS FOR THE COMMISSION ON FAMILY-
4 CENTERED SERVICES.
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6 Whereas, the General Assembly finds that State efforts to strengthen families
7 and keep them together while promoting the protection and well-being of children are
8 important for North Carolina; and

9 Whereas, the General Assembly establishes that "family
10 preservation" programs are those that provide home-based crisis intervention services as
11 an alternative to out-of-home placement of children; and

12 Whereas, the General Assembly recognizes that family preservation programs
13 operating in the State's mental health, social services, and juvenile justice systems are
14 providing short-term, intensive, home-based services that are showing dramatic results
15 in keeping children together with their families and in preventing unnecessary out-of-
16 home placements; and

17 Whereas, the General Assembly finds that family preservation programs
18 currently offered should be expanded, strengthened, and made more efficient through
19 intra-agency coordination of these programs; Now, therefore,
20 The General Assembly of North Carolina enacts:

21 Section 1. Article 3 of Chapter 143B of the General Statutes is amended by
22 adding a new Part to read:

“PART 5A. FAMILY PRESERVATION ACT.**”§ 143B-150.5. Family Preservation Services Program established; purpose.**

(a) There is established the Family Preservation Services Program of the Department of Human Resources. The Program shall be phased in over a four-year period, commencing with fiscal year 1991-92. By the end of the four-year phase-in period there shall be available in each of the 100 counties a locally-based family preservation services project. The Family Preservation Services Program shall be developed and implemented in accordance with the provisions of this act and the standards, rules, and procedures adopted by the Commission on Family-Centered Services under G.S. 143B-150.8.

(b) The purpose of the Family Preservation Services Program is, where feasible and in the best interests of the child and the family, to keep the family unit intact by providing intensive family-centered services that help create, within the family, positive, long-term changes in the home environment.

(c) Family preservation services shall be financed in part through grants to counties for the development and implementation of locally-based family preservation service projects. Grants to counties shall be made in accordance with the provisions of G.S. 143B-150.6.

(d) The Secretary of Human Resources shall enforce the rules adopted by the Commission for Family-Centered Services and shall ensure the cooperation of the Division of Social Services, the Division of Youth Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services in carrying out the provisions of this act.

”§ 143B-150.6. Program services; eligibility; caseworker qualifications; grants for local projects; fund transfers.

(a) Services: Services to be provided under the Family Preservation Services Program shall include: family assessment, intensive family and individual counseling, client advocacy, case management, development and enhancement of parenting skills, and referral for other services as appropriate.

(b) Eligibility: Families eligible for services under the Family Preservation Services Program are those with children ages 0-17 years who are at risk of separation through placement in public welfare, mental health, or juvenile justice systems, and those with children in out-of-home placement in these systems.

(c) Service Delivery: Services delivered to eligible families under the Family Preservation Services Program shall be provided in accordance with the following requirements:

(1) Each eligible family shall receive intensive family preservation services, beginning with identification of an imminent risk of out-of-home placement, for an average of six to eight consecutive weeks, but not more than 12 consecutive weeks per family;

(2) At least one-half of a caseworker's time spent providing family preservation services to each eligible family shall be provided in the family's home and community;

1 (3) Family preservation caseworkers shall be available to each eligible
2 family by telephone and on call for visits 24 hours a day, seven days a
3 week.

4 (4) Each family preservation caseworker shall provide services to a
5 maximum of four families at any given time.

6 (d) Caseworker qualifications: Persons who provide family preservation services
7 directly or indirectly to families shall be qualified as follows:

8 (1) An agency staff member who provides direct services to eligible
9 families under the Family Preservation Services Program must possess
10 an undergraduate degree in social work or other relevant human
11 services field, and three years' experience in working with families;

12 (2) An agency staff member who supervises caseworkers who provide
13 direct services under the Family Preservation Services Program must
14 possess a master's degree in social work or other relevant human
15 services field, plus three years' experience which shall include one
16 year as clinical supervisor and two years' working in family-based
17 services;

18 (3) Caseworkers, supervisors, and paraprofessional program staff must
19 satisfy competency-based preservice and ongoing inservice training
20 requirements established by the Commission on Family-Centered
21 Services.

22 (e) Grants for local projects: The Commission on Family-Centered Services shall
23 award grants to counties for the development and implementation of locally-based
24 family preservation services projects. The number of grants awarded and the level of
25 funding of each grant for each fiscal year shall be contingent upon and determined by
26 funds appropriated for that purpose by the General Assembly and shall be in accordance
27 with the phase-in period of the Family Preservation Services Program. During the
28 phase-in period, and to the extent funds are appropriated, grants shall be awarded by the
29 Commission on a competitive basis to counties who submit proposals for such funding,
30 which proposals meet grant award criteria established by the Commission.

31 (f) Intra-agency fund transfers: The Department may allow the Division of
32 Social Services, the Division of Youth Services, and the Division of Mental Health,
33 Developmental Disabilities, and Substance Abuse Services, to use out-of-home
34 placement funds in each Division for family preservation services provided by the
35 Division under the Program; provided that such use does not violate federal regulations
36 pertaining to, or otherwise jeopardize the availability of federal funds for out-of-home
37 placement services.

38 **"§ 143B-150.7. Commission on Family-Centered Services; establishment,**
39 **membership, compensation.**

40 (a) There is established the Commission on Family-Centered Services of the
41 Department of Human Resources.

42 (b) The Commission shall have 19 members appointed for staggered four-year
43 terms and until their successors are appointed and qualify. The Governor shall have the
44 power to remove any member of the Commission from office in accordance with the

1 provisions of G.S. 143B-13. Members may succeed themselves for one term and may
2 be appointed again after being off the Commission for one term. Two of the members
3 shall represent the public at large, one of whom shall be appointed by the Speaker of the
4 House of Representatives, and one of whom shall be appointed by the President Pro
5 Tempore of the Senate. The remainder of the members shall be appointed by the
6 Governor as follows:

- 7 (1) Four members representing the Department of Human Resources, one
8 of whom shall be the Assistant Secretary for Children and Family, one
9 of whom shall represent the Division of Social Services, one of whom
10 shall represent the Division of Youth Services, and one of whom shall
11 represent the Division of Mental Health, Developmental Disabilities,
12 and Substance Abuse Services;
- 13 (2) Three members, one from each of the following: the Administrative
14 Office of the Courts, the Department of Public Instruction, and the
15 Division of Maternal and Child Health of the Department of
16 Environment, Health, and Natural Resources;
- 17 (3) One member who represents the Governor's Crime Commission, and
18 two members appointed at large;
- 19 (4) One member who is a district court judge certified by the
20 Administrative Office of the Courts to hear juvenile cases;
- 21 (5) One member representing the schools of social work of The University
22 of North Carolina;
- 23 (6) Two members, one of whom is a provider of family preservation
24 services, and one of whom is a consumer of family preservation
25 services; and
- 26 (7) Three members who represent county-level associations; one of whom
27 represents the Association of County Commissioners, one of whom
28 represents the Association of Directors of Social Services, and one of
29 whom represents the Association of Mental Health Directors.

30 The Governor shall appoint two members to serve as cochair of the Commission,
31 one of whom shall be the Assistant Secretary for Children and Family of the
32 Department of Human Resources. The other shall be appointed cochair for a two-year
33 term on a rotating basis from among the Commission members who represent the
34 Division of Youth Services, Division of Social Services, and Division of Mental Health,
35 Developmental Disabilities, and Substance Abuse Services.

36 (c) Members of the Commission shall receive per diem and necessary travel and
37 subsistence expenses in accordance with G.S. 138-5.

38 (d) A majority of the Commission shall constitute a quorum for the transaction of
39 its business.

40 (e) The Commission may use funds allocated to it to employ an administrative
41 staff person to assist the Commission in carrying out its duties. Clerical and other
42 support staff services needed by the Commission shall be provided by the Secretary of
43 Human Resources.

44 **"§ 143B-150.8. Commission on Family-Centered Services; powers and duties.**

1 (a) The Commission on Family-Centered Services shall have the following
2 powers and duties:

3 (1) Develop a plan for the statewide implementation of an intra-agency
4 family preservation services program whereby family-centered
5 preservation services are available in all counties by July 1, 1995,
6 through the coordinated efforts of the Division of Social Services,
7 Division of Youth Services, and Division of Mental Health,
8 Developmental Disabilities, and Substance Abuse Services.

9 (2) Establish standards and adopt rules and regulations for:

- 10 a. Oversight and development of family-centered preservation
11 services;
12 b. Development and maintenance of intra-agency training and
13 technical assistance in the provision of family-centered
14 services;
15 c. Professional staff qualifications, program monitoring, and data
16 collection;
17 d. Statewide evaluation of locally-based family preservation
18 programs;
19 e. Coordination of funding sources for family preservation
20 programs;
21 f. Development of procedures for awarding grants to local
22 agencies providing family-centered services; and
23 g. Annual reports to the Governor and the General Assembly on
24 the services provided and achievements of the Family
25 Preservation Services Program.

26 (3) The Commission shall submit a written report not later than May 1,
27 1992, and not later than October 1 of each year thereafter, to the
28 Governor, to the Joint Legislative Commission on Governmental
29 Operations, and to the Commission on the Family. The report shall
30 address the Commission's progress in implementing the Family
31 Preservation Services Program. The report shall include an accounting
32 of funds expended and anticipated funding needs for full
33 implementation of the program. The report shall also include the
34 following information for each county participating in the Program and
35 for the Program as a whole:

- 36 a. The number of families receiving service through the Program;
37 b. The number of children at risk of placement prior to initiation
38 of service in families receiving Program services;
39 c. Among those children in sub-subdivision b., the number of
40 children placed in foster care, in group homes, and in other
41 facilities outside their homes and families;
42 d. The average cost of the service provided to families under the
43 Program;

- 1 e. The estimated cost of out-of-home placement, through foster
2 care, group homes, or other facilities, which would otherwise
3 have been expended on behalf of children at risk of placement
4 who successfully remain united with their families as a result of
5 services provided through the Program. Cost estimates should
6 be based on average length of stay and average cost of such out-
7 of-home placements;
8 f. The number of children who remain unified with their families
9 for one, two, and three years after receiving services under the
10 Program; and
11 g. An overall statement of the progress of the Program and local
12 projects during the preceding year, along with
13 recommendations for improvements.

14 (b) The Commission may use funds allocated to it to contract for services to
15 monitor local projects and for an independent evaluation of the Family Preservation
16 Services Program.

17 (c) Rules adopted by the Family-Centered Services Commission shall be in
18 accordance with Chapter 150B of the General Statutes and shall be consistent with rules
19 adopted by the Social Services Commission and the Commission for Mental Health,
20 Developmental Disabilities, and Substance Abuse Services pertaining to the out-of-
21 home placement of children.

22 **"§ 143B-150.9. Commission on Family-Centered Services; agency cooperation.**

23 All appropriate State agencies, including the Department of Human Resources, the
24 Department of Environment, Health, and Natural Resources, the Department of Public
25 Instruction, the Administrative Office of the Courts, and other public and private family
26 preservation service providers shall cooperate with the Commission in carrying out its
27 duties."

28 Sec. 2. There is appropriated from the General Fund to the Department of
29 Human Resources the sum of \$80,000 for the 1991-92 fiscal year, and the sum of
30 \$80,000 for the 1992-93 fiscal year, to implement the Commission for Family-Centered
31 Services established in Section 1 of this act.

32 Sec. 3. Section 1 of this act becomes effective October 1, 1991, if and only if
33 specific funds are appropriated for the implementation of the Commission established in
34 Section 1 of this act. Section 2 of this act becomes effective July 1, 1991. Funds
35 appropriated for the 1991-92 fiscal year or for any fiscal year in the future do not
36 constitute any entitlement to services beyond those provided for that fiscal year.
37 Nothing in this act creates any rights except to the extent that funds are appropriated by
38 the State to implement its provisions from year to year and nothing in this act obligates
39 the General Assembly to appropriate any funds to implement its provisions.