

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 93*

Short Title: Family Preservation Act.

(Public)

Sponsors: Representatives Beard; Fletcher, H. Hunter, Jeralds, Privette, and Warner.

Referred to: Human Resources.

February 18, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FAMILY PRESERVATION SERVICES, TO ESTABLISH THE COMMISSION ON FAMILY-CENTERED SERVICES, AND TO APPROPRIATE FUNDS FOR THE COMMISSION ON FAMILY-CENTERED SERVICES.

Whereas, the General Assembly finds that State efforts to strengthen families and keep them together while promoting the protection and well-being of children are important for North Carolina; and

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

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

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

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

"PART 5A. FAMILY PRESERVATION ACT.

"§ 143B-150.5. Family Preservation Services Program established; purpose.

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

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

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

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

22 **"§ 143B-150.6. Program services; eligibility; caseworker qualifications; grants for**
23 **local projects; fund transfers.**

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **§ 143B-150.7. Commission on Family-Centered Services; establishment,**
36 **membership, compensation.**

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

39 (b) The Commission shall have 19 members appointed for staggered four-year
40 terms and until their successors are appointed and qualify. The Governor shall have the
41 power to remove any member of the Commission from office in accordance with the
42 provisions of G.S. 143B-13. Members may succeed themselves for one term and may
43 be appointed again after being off the Commission for one term. Two of the members
44 shall represent the public at large, one of whom shall be appointed by the Speaker of the

1 House of Representatives, and one of whom shall be appointed by the President Pro
2 Tempore of the Senate. The remainder of the members shall be appointed by the
3 Governor as follows:

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

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

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

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

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

41 **"§ 143B-150.8. Commission on Family-Centered Services; powers and duties.**

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

- 1 (1) Develop a plan for the statewide implementation of an intra-agency
2 family preservation services program whereby family-centered
3 preservation services are available in all counties by July 1, 1995,
4 through the coordinated efforts of the Division of Social Services,
5 Division of Youth Services, and Division of Mental Health,
6 Developmental Disabilities, and Substance Abuse Services.
- 7 (2) Establish standards and adopt rules and regulations for:
- 8 a. Oversight and development of family-centered preservation
9 services;
- 10 b. Development and maintenance of intra-agency training and
11 technical assistance in the provision of family-centered
12 services;
- 13 c. Professional staff qualifications, program monitoring, and data
14 collection;
- 15 d. Statewide evaluation of locally-based family preservation
16 programs;
- 17 e. Coordination of funding sources for family preservation
18 programs;
- 19 f. Development of procedures for awarding grants to local
20 agencies providing family-centered services; and
- 21 g. Annual reports to the Governor and the General Assembly on
22 the services provided and achievements of the Family
23 Preservation Services Program.
- 24 (3) The Commission shall submit a written report not later than May 1,
25 1992, and not later than October 1 of each year thereafter, to the
26 Governor, to the Joint Legislative Commission on Governmental
27 Operations, and to the Commission on the Family. The report shall
28 address the Commission's progress in implementing the Family
29 Preservation Services Program. The report shall include an accounting
30 of funds expended and anticipated funding needs for full
31 implementation of the program. The report shall also include the
32 following information for each county participating in the Program and
33 for the Program as a whole:
- 34 a. The number of families receiving service through the Program;
35 b. The number of children at risk of placement prior to initiation
36 of service in families receiving Program services;
- 37 c. Among those children in sub-subdivision b., the number of
38 children placed in foster care, in group homes, and in other
39 facilities outside their homes and families;
- 40 d. The average cost of the service provided to families under the
41 Program;
- 42 e. The estimated cost of out-of-home placement, through foster
43 care, group homes, or other facilities, which would otherwise
44 have been expended on behalf of children at risk of placement

1 who successfully remain united with their families as a result of
2 services provided through the Program. Cost estimates should
3 be based on average length of stay and average cost of such out-
4 of-home placements;

5 f. The number of children who remain unified with their families
6 for one, two, and three years after receiving services under the
7 Program; and

8 g. An overall statement of the progress of the Program and local
9 projects during the preceding year, along with
10 recommendations for improvements.

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

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

19 **"§ 143B-150.9. Commission on Family-Centered Services; agency cooperation.**

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

25 Sec. 2. There is appropriated from the General Fund to the Department of
26 Human Resources the sum of \$80,000 for the 1991-92 fiscal year, and the sum of
27 \$80,000 for the 1992-93 fiscal year, to implement the Commission for Family-Centered
28 Services established in Section 1 of this act.

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