

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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SENATE BILL 141\*  
Human Resources Committee Substitute Adopted 4/24/91  
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Short Title: Family Preservation Act.

(Public)

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Sponsors:

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Referred to:

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February 20, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR FAMILY PRESERVATION SERVICES, TO  
2 ESTABLISH THE ADVISORY COMMITTEE ON FAMILY-CENTERED  
3 SERVICES, AND TO APPROPRIATE FUNDS FOR THE ADVISORY  
4 COMMITTEE ON FAMILY-CENTERED SERVICES.  
5

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 inter-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, and to the extent that funds are made available, locally-based family preservation services shall be available to all 100 counties. The Secretary of Human Resources shall be responsible for the development and implementation of the Family Preservation Services Program as established in this act. In developing the Program the Secretary shall consider the advice and recommendations of the Advisory Committee on Family-Centered Services.

(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 local agencies for the development and implementation of locally-based family preservation services. Grants to local agencies shall be made in accordance with the provisions of G.S. 143B-150.6.

(d) The Secretary of Human Resources shall ensure the cooperation of the Division of Social Services, the Division of Youth Services, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and the Division of Medical Assistance, in carrying out the provisions of this act.

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

(a) Services: Services to be provided under the Family Preservation Services Program shall include but are not limited to: 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 imminent separation through placement in public welfare, mental health, or juvenile justice 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 four weeks;
- (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 two families at any given time.

6       (d) Grants for local projects: The Secretary of Human Resources shall award  
7 grants to local agencies for the development and implementation of locally-based family  
8 preservation services projects. In awarding the grants, the Secretary shall consider the  
9 recommendations of the Advisory Committee on Family-Centered Services. The  
10 number of grants awarded and the level of funding of each grant for each fiscal year  
11 shall be contingent upon and determined by funds appropriated for that purpose by the  
12 General Assembly and shall be in accordance with the phase-in period of the Family  
13 Preservation Services Program. During the phase-in period, and to the extent funds are  
14 appropriated, grants shall be awarded by the Secretary on a competitive basis to local  
15 agencies who submit proposals for such funding, which proposals meet grant award  
16 criteria established by the Advisory Committee on Family-Centered Services.

17       (e) Inter-agency fund transfers: The Department may allow the Division of  
18 Social Services, the Division of Youth Services, and the Division of Mental Health,  
19 Developmental Disabilities, and Substance Abuse Services, to use funds available to  
20 each Division to support family preservation services provided by the Division under  
21 the Program; provided that such use does not violate federal regulations pertaining to, or  
22 otherwise jeopardize the availability of federal funds.

23 **"§ 143B-150.7. Advisory Committee on Family-Centered Services; establishment,**  
24 **membership, compensation.**

25       (a) There is established the Advisory Committee on Family-Centered Services  
26 within the Department of Human Resources.

27       (b) The Committee shall have 24 members appointed for staggered four-year  
28 terms and until their successors are appointed and qualify. The Governor shall have the  
29 power to remove any member of the Committee from office in accordance with the  
30 provisions of G.S. 143B-13. Members may succeed themselves for one term and may  
31 be appointed again after being off the Committee for one term. Six of the members  
32 shall be legislators appointed by the General Assembly, three of whom shall be  
33 recommended by the Speaker of the House of Representatives, and three of whom shall  
34 be recommended by the President Pro Tempore of the Senate. Two of the members  
35 shall be appointed by the General Assembly from the public at large, one of whom shall  
36 be recommended by the Speaker of the House of Representatives, and one of whom  
37 shall be recommended by the President Pro Tempore of the Senate. The remainder of  
38 the members shall be appointed by the Governor as follows:

39           (1) Four members representing the Department of Human Resources, one  
40 of whom shall be the Assistant Secretary for Children and Family, one  
41 of whom shall represent the Division of Social Services, one of whom  
42 shall represent the Division of Youth Services, and one of whom shall  
43 represent the Division of Mental Health, Developmental Disabilities,  
44 and Substance Abuse Services;

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

20          The Secretary of the Department of Human Resources shall serve as the Chairman  
21 of the Committee. The Secretary shall appoint the cochair of the Committee for a two-  
22 year term on a rotating basis from among the Committee members who represent the  
23 Division of Youth Services, the Division of Social Services, and the Division of Mental  
24 Health, Developmental Disabilities, and Substance Abuse Services.

25          (c) To the extent that funds are made available, members of the Committee shall  
26 receive per diem and necessary travel and subsistence expenses in accordance with G.S.  
27 138-5.

28          (d) A majority of the Committee shall constitute a quorum for the transaction of  
29 its business.

30          (e) The Committee may use funds allocated to it to employ an administrative  
31 staff person to assist the Committee in carrying out its duties. Clerical and other support  
32 staff services needed by the Committee shall be provided by the Secretary of Human  
33 Resources.

34 **"§ 143B-150.8. Advisory Committee on Family-Centered Services; responsibilities.**

35          (a) The Advisory Committee on Family-Centered Services shall have the  
36 following responsibilities:

- 37           (1) Provide guidance and advice to the Secretary in the development of a  
38 plan for the statewide implementation of an inter-agency family  
39 preservation services program whereby family-centered preservation  
40 services are available to all counties by July 1, 1995, through the  
41 coordinated efforts of the Division of Social Services, Division of  
42 Youth Services, and Division of Mental Health, Developmental  
43 Disabilities, and Substance Abuse Services.
- 44           (2) Recommend standards for:

- 1           a.    Oversight and development of family-centered preservation
- 2            services;
- 3           b.    Development and maintenance of inter-agency training and
- 4            technical assistance in the provision of family-centered
- 5            services;
- 6           c.    Professional staff qualifications, program monitoring, and data
- 7            collection;
- 8           d.    Statewide evaluation of locally-based family preservation
- 9            programs;
- 10          e.    Coordination of funding sources for family preservation
- 11          programs;
- 12          f.    Procedures for awarding grants to local agencies providing
- 13          family-centered services; and
- 14          g.    Annual reports to the Governor and the General Assembly on
- 15          the services provided and achievements of the Family
- 16          Preservation Services Program.
- 17          (3)   The Committee shall submit a written report not later than May 1,
- 18            1992, and not later than October 1 of each year thereafter, to the
- 19            Governor, to the Joint Legislative Commission on Governmental
- 20            Operations, and to the Commission on the Family. The report shall
- 21            address the progress in implementation of the Family Preservation
- 22            Services Program. The report shall include an accounting of funds
- 23            expended and anticipated funding needs for full implementation of the
- 24            program. The report shall also include the following information for
- 25            each county participating in the Program and for the Program as a
- 26            whole:
- 27            a.    The number of families receiving service through the Program;
- 28            b.    The number of children at risk of placement prior to initiation
- 29            of service in families receiving Program services;
- 30            c.    Among those children in sub-subdivision b., the number of
- 31            children placed in foster care, in group homes, and in other
- 32            facilities outside their homes and families;
- 33            d.    The average cost of the service provided to families under the
- 34            Program;
- 35            e.    The estimated cost of out-of-home placement, through foster
- 36            care, group homes, or other facilities, which would otherwise
- 37            have been expended on behalf of children at risk of placement
- 38            who successfully remain united with their families as a result of
- 39            services provided through the Program. Cost estimates should
- 40            be based on average length of stay and average cost of such out-
- 41            of-home placements;
- 42            f.    The number of children who remain unified with their families
- 43            for one, two, and three years after receiving services under the
- 44            Program; and

1                   g.     An overall statement of the progress of the Program and local  
2                   projects during the preceding year, along with  
3                   recommendations for improvements.

4     (b)     The Committee may use funds allocated to it to contract for services to  
5     monitor local projects and for an independent evaluation of the Family Preservation  
6     Services Program.

7     "§ 143B-150.9. State agency cooperation with Advisory Committee on Family-  
8     Centered Services.

9     All appropriate State agencies, including the Department of Human Resources, the  
10    Department of Environment, Health, and Natural Resources, the Department of Public  
11    Instruction, the Administrative Office of the Courts, the Governor's Crime Committee,  
12    and other public family preservation service providers shall cooperate with the Advisory  
13    Committee on Family-Centered Services in carrying out its responsibilities."

14            Sec. 2. Section 1 of this act becomes effective October 1, 1991, if and only if  
15    specific funds are appropriated for the implementation of the Committee established in  
16    Section 1 of this act. Funds appropriated for the 1991-92 fiscal year or for any fiscal  
17    year in the future do not constitute an entitlement to services beyond those provided for  
18    that fiscal year. Nothing in this act creates any rights except to the extent that funds are  
19    appropriated by the State to implement its provisions from year to year and nothing in  
20    this act obligates the General Assembly to appropriate funds to implements its  
21    provisions.