

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1062

Children and Human Resources Committee Substitute Adopted 5/10/95

Short Title: Family Preservation Act Changes.

(Public)

Sponsors:

Referred to:

May 4, 1995

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGARDING THE FAMILY PRESERVATION
ACT TO CONFORM TO FEDERAL REQUIREMENTS AND TO EXPAND THE
MEMBERSHIP OF THE ADVISORY COMMITTEE ON FAMILY-CENTERED
SERVICES.

The General Assembly of North Carolina enacts:

Section 1. Part 4A of Article 3 of Chapter 143B of the General Statutes reads
as rewritten:

**"PART 4A. FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES
ACT.**

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

(a) There is established the Intensive 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 intensive family
preservation services shall be available to all 100 counties. The Secretary of the
Department of Human Resources shall be responsible for the development and
implementation of the Intensive Family Preservation Services Program as established in

1 this Part. In developing the Program the Secretary shall consider the advice and
2 recommendations of the Advisory Committee on Family-Centered Services.

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

7 (c) Intensive Family preservation services shall be financed in part through grants
8 to local agencies for the development and implementation of locally-based intensive
9 family preservation services. Grants to local agencies shall be made in accordance with
10 the provisions of G.S. 143B-150.6.

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

15 **"§ 143B-150.6. Program services; eligibility; grants for local projects; fund**
16 **transfers.**

17 (a) Services: Services to be provided under the Intensive Family Preservation
18 Services Program shall include but are not limited to: family assessment, intensive family
19 and individual counseling, client advocacy, case management, development and
20 enhancement of parenting skills, and referral for other services as appropriate.

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

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

28 (1) Each eligible family shall receive intensive family preservation services,
29 beginning with identification of an imminent risk of out-of-home
30 placement, for an average of four weeks but not more than six weeks;

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

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

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

39 (d) Grants for local projects: The Secretary of the Department of Human
40 Resources shall award grants to local agencies for the development and implementation
41 of locally-based intensive family preservation services projects. In awarding the grants,
42 the Secretary shall consider the recommendations of the Advisory Committee on Family-
43 Centered Services. The number of grants awarded and the level of funding of each grant

1 for each fiscal year shall be contingent upon and determined by the amount of funds
2 ~~appropriated for that purpose by the General Assembly available to the Department for that~~
3 purpose and shall be in accordance with the phase-in period of the Intensive Family
4 Preservation Services Program. During the phase-in period, and to the extent funds are
5 ~~appropriated, available,~~ grants shall be awarded by the Secretary on a competitive basis to
6 local agencies who submit proposals for ~~such~~ this funding, which proposals meet grant
7 award criteria established by the Advisory Committee on Family-Centered Services.

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

14 **"§ 143B-150.7. Advisory Committee on Family-Centered Services; establishment,**
15 **membership, compensation.**

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

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

- 30 (1) ~~Four~~ Five members representing the Department of Human Resources,
31 one of whom shall be the Assistant Secretary for Children and Family,
32 one of whom shall be the Director of the Division of Family
33 Development, one of whom shall represent the Division of Social
34 Services, one of whom shall represent the Division of Youth Services,
35 and one of whom shall represent the Division of Mental Health,
36 Developmental Disabilities, and Substance Abuse Services;
37 (2) Three members, one from each of the following: the Administrative
38 Office of the Courts, the Department of Public Instruction, and the
39 Division of Maternal and Child Health of the Department of
40 Environment, Health, and Natural Resources;
41 (3) One member who represents the Juvenile Justice Planning Committee of
42 the Governor's Crime Commission, and one member appointed at large;

- 1 (4) One member who is a district court judge certified by the
2 Administrative Office of the Courts to hear juvenile cases;
- 3 (5) ~~One member~~ Two members representing the schools of social work of
4 The University of North ~~Carolina~~; Carolina, one of whom represents a
5 graduate school and one of whom represents an undergraduate school;
- 6 (6) ~~Two~~ Six members, ~~one of whom is a provider~~ three of whom are providers
7 of family preservation services, and one of whom is a consumer three of
8 whom are consumers of family preservation services; ~~and~~
- 9 (6a) Six members, three of whom are providers of family support services
10 and three of whom are consumers of family support services; and
- 11 (7) Three members who represent county-level associations; one of whom
12 represents the Association of County Commissioners, one of whom
13 represents the Association of Directors of Social Services, and one of
14 whom represents the North Carolina Council of Mental Health,
15 Developmental Disabilities, and Substance Abuse Services.

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

22 (c) To the extent that funds are made available, members of the Committee shall
23 receive per diem and necessary travel and subsistence expenses in accordance with G.S.
24 138-5.

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

27 (e) The Committee may use funds ~~allocated~~ available to it to employ ~~an~~
28 ~~administrative staff person~~ staff to assist the Committee in carrying out its duties. ~~Clerical~~
29 ~~and other support~~ Additional staff services needed by the Committee shall be provided by
30 the Secretary of Human Resources. (1991, c. 743.)

31 **"§ 143B-150.8. Advisory Committee on Family-Centered Services; responsibilities.**

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

- 34 (1) Provide guidance and advice to the Secretary in the development and
35 implementation of the State Plan on Family Preservation and Support
36 Services pursuant to Title IV-B, Subpart II of the Social Security Act, as
37 amended, including ~~of~~ a plan for the statewide implementation of an
38 inter-agency family preservation services program whereby family centered
39 the inter-agency Intensive Family Preservation Services program
40 referenced in G.S. 143B-150.6 and G.S. 143B-150.7 whereby intensive
41 family preservation services are available to all counties by July 1, 1995,
42 1996, through the coordinated efforts of the Division of Social Services,

1 Division of Youth Services, and Division of Mental Health,
2 Developmental Disabilities, and Substance Abuse Services.

3 (2) Recommend standards for:

- 4 a. ~~Oversight and development of family-centered preservation services;~~
5 Operation of a continuum of family-centered services, including
6 family support services designed to maintain and strengthen
7 families and family preservation services designed to assist and
8 preserve families in crisis;
9 b. Development and maintenance of inter-agency training and
10 technical assistance in the provision of family-centered services;
11 c. Professional staff qualifications, program monitoring, and data
12 ~~collection;~~ collection for family preservation and family support
13 services programs;
14 d. Statewide evaluation of locally-based family preservation and
15 family support programs;
16 e. Coordination of funding sources for family preservation and
17 family support programs; and
18 f. Procedures for awarding grants to local agencies providing
19 family-centered ~~services;~~ and services.
20 g. ~~Annual reports to the Governor and the General Assembly on the~~
21 ~~services provided and achievements of the Family Preservation~~
22 ~~Services Program.~~

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

- 35 a. The number of families receiving service through the Program;
36 b. The number of children at risk of placement prior to initiation of
37 service in families receiving Program services;
38 c. Among those children in sub-subdivision b., the number of
39 children placed in foster care, in group homes, and in other
40 facilities outside their homes and families;
41 d. The average cost of the service provided to families under the
42 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 be
6 based on average length of stay and average cost of such out-of-
7 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 recommendations
13 for improvements.

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

17 "**§ 143B-150.9. State agency cooperation with Advisory Committee on Family-**
18 **Centered Services.**

19 All appropriate State agencies, including the Department of Human Resources, the
20 Department of Environment, Health, and Natural Resources, the Department of Public
21 Instruction, the Administrative Office of the Courts, the Governor's Crime Commission,
22 and other public family preservation ~~service~~ and family support services providers shall
23 cooperate with the Advisory Committee on Family-Centered Services in carrying out its
24 responsibilities."

25 Sec. 2. This act is effective upon ratification.