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**HOUSE BILL 63**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Luciano "Lucky" Varela

**AN ACT**

**RELATING TO FAMILIES; AMENDING THE FAMILY PRESERVATION ACT TO  
CHANGE THE SHORT TITLE AND RELATED PROVISIONS TO THE FAMILY  
SUPPORT ACT; ENACTING THE FAMILY PRESERVATION ACT.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. [NEW MATERIAL] SHORT TITLE. --Sections 1  
through 4 of this act may be cited as the "Family Preservation  
Act".**

**Section 2. [NEW MATERIAL] LEGISLATIVE PURPOSE. --The  
purpose of the Family Preservation Act is to confirm the  
state's policy of support for the family and to emphasize the  
responsibilities of parents and the state in the healthy  
development of children and the family as an institution. That  
act is also intended to serve as a benchmark against which  
other legislation can be measured to assess whether it furthers**

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1 the goals of preserving and enhancing families in New Mexico.

2 Section 3. [NEW MATERIAL] FAMILY PRESERVATION GOALS--  
3 STATEMENT OF POLICY.--It is the policy of the state that its  
4 laws and programs shall:

5 A. support intact, functional families and promote  
6 each family's ability and responsibility to raise its children;

7 B. strengthen families in crisis and at risk of  
8 losing their children, so that children can remain safely in  
9 their own homes and communities;

10 C. promote the creation of well-paying, stable jobs  
11 so that families can provide for their basic needs, including  
12 health, education, food, clothing and shelter; and

13 D. help halt the breakup of the nuclear family,  
14 stabilize neighborhoods and strengthen communities.

15 Section 4. [NEW MATERIAL] PARENTAL AND STATE  
16 RESPONSIBILITIES. --

17 A. Parents have joint primary responsibility for  
18 the well-being of their family. Parents have the primary  
19 responsibility to:

20 (1) ensure that their children have adequate  
21 food, shelter, health care and a healthy environment;

22 (2) support their children in all ways  
23 possible to grow up to be responsible, caring members of  
24 society;

25 (3) ensure that their children receive quality

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1 education both in and out of school to prepare them for active  
2 and productive adult lives;

3 (4) protect their children from the serious  
4 dangers of narcotics, alcohol and other harmful substances; and

5 (5) protect their children from all forms of  
6 exploitation harmful to any aspect of their welfare.

7 B. The state has a responsibility to develop plans  
8 to:

9 (1) make available to families free, quality  
10 public primary and secondary education;

11 (2) provide public safety services so that  
12 family members are safe in their homes, schools, workplaces and  
13 recreational settings;

14 (3) make available social service programs  
15 that support vulnerable families and protect spouses and  
16 children in danger of physical or serious emotional harm;

17 (4) develop programs that build on the  
18 strengths of families and connect them with community  
19 resources;

20 (5) provide parents with access to the  
21 training and support they need to raise their children,  
22 function effectively as parents and play a key role in helping  
23 preschool and growing children learn; and

24 (6) assist parents in carrying out their  
25 primary responsibility of providing for the well-being of their

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1 family.

2 Section 5. Section 32A-17-1 NMSA 1978 (being Laws 1993,  
3 Chapter 77, Section 218) is amended to read:

4 "32A-17-1. SHORT TITLE. -- Chapter [~~32~~] 32A, Article 17  
5 NMSA 1978 may be cited as the "Family [~~Preservation~~] Support  
6 Act". "

7 Section 6. Section 32A-17-2 NMSA 1978 (being Laws 1993,  
8 Chapter 77, Section 219) is amended to read:

9 "32A-17-2. [~~DEFINITIONS~~] DEFINITION. -- As used in the  
10 Family [~~Preservation~~] Support Act, "family [~~preservation~~]  
11 support services" means short-term, intensive services,  
12 provided to a family whose child may reasonably be expected to  
13 face out-of-home placement, that are designed to teach a family  
14 new skills to help the family remain intact and able to care  
15 for the child at home. "

16 Section 7. Section 32A-17-3 NMSA 1978 (being Laws 1993,  
17 Chapter 77, Section 220) is amended to read:

18 "32A-17-3. ELIGIBILITY. -- Family [~~preservation~~] support  
19 services may be provided, considering available resources, to a  
20 family whose child is at risk for placement as:

- 21 A. an abused child;  
22 B. a neglected child;  
23 C. a child of a family in need of services;  
24 D. an emotionally disturbed child; or  
25 E. a delinquent child. "

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1           Section 8. Section 32A-17-4 NMSA 1978 (being Laws 1993,  
2 Chapter 77, Section 221) is amended to read:

3           "32A-17-4. SERVICE DELIVERY. --

4           A. The department shall coordinate and implement  
5 the provision of family [~~preservation~~] support services. The  
6 state department of public education shall assist the  
7 department by identifying children in public schools who are at  
8 risk for the purpose of making family [~~preservation~~] support  
9 services available to the families of those children. The  
10 department shall ensure the statewide quality of family  
11 [~~preservation~~] support services by:

12                       (1) providing standards and policies for  
13 family [~~preservation~~] support services that are family centered  
14 and that identify family strengths;

15                       (2) monitoring the provision of family  
16 [~~preservation~~] support services to ensure that the services  
17 satisfy standards established by the department;

18                       (3) providing training for persons who provide  
19 family [~~preservation~~] support services; and

20                       (4) establishing a standardized intake process  
21 for the purpose of rapidly assessing the needs of a child and  
22 family referred for family [~~preservation~~] support services.

23           B. A person who works in a family [~~preservation~~]  
24 support services program shall:

25                       (1) provide family [~~preservation~~] support

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1 services in the family's home or any other natural setting;

2 (2) provide direct crisis intervention and  
3 therapeutic services, to be available twenty-four hours per  
4 day, seven days a week, as needed for each family;

5 (3) assist with the solution of practical  
6 problems that contribute to family stress, so as to affect  
7 improved parental performance and enhanced functioning of the  
8 family unit; and

9 (4) arrange for additional assistance, to the  
10 extent of available resources, for the family, including  
11 housing, child care, education and training, emergency cash  
12 grants, state and federally funded public assistance or any  
13 other basic support or social service appropriate for the  
14 family. "

15 Section 9. Section 32A-17-5 NMSA 1978 (being Laws 1993,  
16 Chapter 77, Section 222) is amended to read:

17 "32A-17-5. QUALIFICATIONS. -- A person who provides family  
18 [~~preservation~~] support services shall have appropriate  
19 training, experience, supervision and continuing education to  
20 carry out his duties. "

21 Section 10. Section 32A-17-6 NMSA 1978 (being Laws 1993,  
22 Chapter 77, Section 223) is amended to read:

23 "32A-17-6. EVALUATION. -- The secretary of the department  
24 shall conduct an annual evaluation of family [~~preservation~~]  
25 support services, and the data collected during the evaluation

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1 shall be compiled in a manner that promotes comparison with  
2 data collected from similar programs in other states."

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