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**HOUSE BILL 97**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**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 SUPPORT 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. The  
Family Preservation Act is also intended to serve as a  
benchmark against which other legislation may be measured to**

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1 assess whether it furthers the goals of preserving and  
2 enhancing families in New Mexico.

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

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

8 B. strengthen families in crisis and at risk of  
9 losing their children, so that children can remain safely in  
10 their own homes when their homes are safe environments and in  
11 their communities;

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

15 D. help halt the breakup of the nuclear family,  
16 stabilize neighborhoods and strengthen communities.

17 Section 4. [NEW MATERIAL] PARENTAL AND STATE  
18 RESPONSIBILITIES.--

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

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

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

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1 society;

2 (3) ensure that their children receive quality  
3 education both in and out of school to prepare them for active  
4 and productive adult lives;

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

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

9 B. The state has a responsibility to develop plans  
10 to:

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

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

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

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

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

1 (6) assist parents in carrying out their  
2 primary responsibility of providing for the well-being of their  
3 family.

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

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

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

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

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

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

- 23 A. an abused child;
- 24 B. a neglected child;
- 25 C. a child of a family in need of services;

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1 D. an emotionally disturbed child; or

2 E. a delinquent child."

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

5 "32A-17-4. SERVICE DELIVERY. --

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

12 The department shall ensure the statewide quality of family  
13 [~~preservation~~] support services by:

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

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

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

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

25 B. A person who works in a family [~~preservation~~]

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1 support services program shall:

2 (1) provide family [~~preservation~~] support  
3 services in the family's home or any other natural setting;

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

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

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

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

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

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

25 "32A-17-6. EVALUATION. -- The secretary of the department

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1 shall conduct an annual evaluation of family [~~preservation~~  
2 support services, and the data collected during the evaluation  
3 shall be compiled in a manner that promotes comparison with  
4 data collected from similar programs in other states."

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