

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. SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Family Preservation Act".

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

Section 3. FAMILY PRESERVATION GOALS--STATEMENT OF POLICY.--It is the policy of the state that its laws and programs shall:

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

B. strengthen families in crisis and at risk of losing their children, so that children can remain safely in

their own homes when their homes are safe environments and in their communities;

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

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

Section 4. PARENTAL AND STATE RESPONSIBILITIES.--

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

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

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

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

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

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

B. The state has a responsibility to develop plans

to:

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

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

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

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

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

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

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

"32A-17-1. SHORT TITLE.--Chapter 32A, Article 17 NMSA 1978 may be cited as the "Family Support Act"."

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

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

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

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

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

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

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

A. The department shall coordinate and implement the provision of family support services. The public education department shall assist the department by identifying children in public schools who are at risk for the purpose of making family support services available to the families of those children. The department shall ensure the

statewide quality of family support services by:

(1) providing standards and policies for family support services that are family-centered and that identify family strengths;

(2) monitoring the provision of family support services to ensure that the services satisfy standards established by the department;

(3) providing training for persons who provide family support services; and

(4) establishing a standardized intake process for the purpose of rapidly assessing the needs of a child and family referred for family support services.

B. A person who works in a family support services program shall:

(1) provide family support services in the family's home or any other natural setting;

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

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

(4) arrange for additional assistance, to the extent of available resources, for the family, including

