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HOUSE BILL 182

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

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

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1 furthers the goals of preserving and enhancing families in New
2 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 should:

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

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

12 C. promote the creation of well-paying, stable
13 jobs so that families can provide for their basic needs,
14 including 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
3 quality education both in and out of school to prepare them
4 for active and productive adult lives;

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

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

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

12 (1) make available to families free, quality
13 public primary and secondary educational institutions;

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

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

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

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

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1 helping preschool and growing children learn; and

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

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

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

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

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

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

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

- 24 A. an abused child;
- 25 B. a neglected child;

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1 C. a child of a family in need of services;

2 D. an emotionally disturbed child; or

3 E. a delinquent child."

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

6 "32A-17-4. SERVICE DELIVERY. --

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

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

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

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

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

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1 services.

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

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

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

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

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

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

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

25 Section 10. Section 32A-17-6 NMSA 1978 (being Laws 1993,

1 Chapter 77, Section 223) is amended to read:

2 "32A-17-6. EVALUATION. --The secretary of the department
3 shall conduct an annual evaluation of family [~~preservation~~]
4 support services and the data collected during the evaluation
5 shall be compiled in a manner that promotes comparison with
6 data collected from similar programs in other states. "

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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5 March 5, 1999
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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 HOUSE BILL 182
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

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19 Respectfully submitted,
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Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: Boitano

Excused: Howes, Ingle, Stockard, Smith

Absent: None

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