

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 1025 OF 1991
HOUSE BILL 1946

4 **By: Representatives Flanagin and Goodwin**

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For An Act To Be Entitled

8 "AN ACT TO EXPAND THE FAMILY PRESERVATION SERVICES PROGRAM
9 IN THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER
10 PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. This act shall be known as the "Family Preservation Services
15 Program Act of 1991".

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17 SECTION 2. "Family Preservation Services" are programs that:

18 (1) Follow intensive, home-based service models with demonstrated
19 effectiveness in reducing or avoiding the need for out-of-home placement;

20 (2) Provide such services toward the following goals:

21 (A) Lower costs than out-of-home placements;

22 (B) Improved assessment of risk and better child protection;

23 (C) More effective utilization of placement funds by improved
24 accuracy in the placement decision; and

25 (D) Improved quality of life for at-risk children and families.

26 (3) Meet the following criteria:

27 (A) Provide the majority of the services in the family's home or
28 other natural community setting;

29 (B) Provide direct therapeutic services to families in accordance
30 with Family Preservation models as prescribed by policy;

31 (C) Aid in the solution of practical problems that contribute to
32 family stress so as to effect improved parental performance and enhanced
33 functioning of the family unit;

34 (D) Arrange for additional assistance, including but not limited
35 to, housing, child care, education, and job training, emergency cash grants,
36 state and federally funded public assistance, and other basic support needs;

1 and

2 (E) Arrange for paraprofessionals to provide specialized services
3 or skills to manage everyday problems and better provide and care for
4 children.

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6 SECTION 3. The Deputy Director of the Division of Children and Family
7 Services shall:

8 (1) Make Family Preservation Services accessible by 1995, to at least
9 forty percent (40%) of children about to be placed outside their homes or who
10 have been placed outside their homes and for whom the goal is reunification.

11 Thereafter the deputy direction shall make Family Preservation Services
12 accessible to all cases where the child is about to be removed or
13 reunification is the goal and provision of such services is appropriate;

14 (2) Ensure that statewide availability of Family Preservation Services
15 is accomplished in an orderly fashion with modification based on analysis of
16 an annual evaluation report; and

17 (3) Continue the implementation of Family Preservation Services by
18 consultation with professionals who are nationally recognized in the field.

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20 SECTION 4. (a) The Division of Children and Family Services shall be
21 the lead administrative agency for Family Preservation Services and may
22 receive funding for the implementation of such services.

23 (b) The Division of Children and Family Services shall:

24 (1) Provide the coordination of and planning for the
25 implementation of Family Preservation Services;

26 (2) Provide standards for the Family Preservation Services
27 program;

28 (3) Monitor the services to ensure they meet measurable standards
29 of performance as set forth in state law and as developed by the Division of
30 Children and Family Services; and

31 (4) Provide the initial training curriculum and approve any
32 on-going curriculum required by providers of Family Preservation Services.

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34 SECTION 5. The Division of Children and Family Services may provide
35 Family Preservation Services directly or may contract with a private, non-

1 profit social service agency or qualified individual to provide such services.
2 In the event a non-profit social service agency or qualified individual is
3 contracted by the Department of Human Services, to provide Family Preservation
4 Services, the contract shall include:

5 (1) Requirements for provider acceptance of any client referred by the
6 Department of Human Services for Family Preservation Services;

7 (2) Limitation of caseload per therapist;

8 (3) Availability of twenty-four (24) hour crises intervention services
9 to families served by the program;

10 (4) Completion of the required training curriculum for Family
11 Preservation Services; and

12 (5) Provide for and conduct internal program evaluation and cooperate
13 with external evaluation as directed by the Division of Children and Family
14 Services.

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16 SECTION 6. (a) Family Preservation Services shall be provided only to
17 those children who are placed out-of-home for whom the goal is reunification
18 and those children who are at actual, imminent risk of out-of-home placement,
19 in situations in which Family Preservation Services afford effective
20 protection of children, youth, families, and the community. This shall
21 include children:

22 (1) Who are at risk of removal as dependent, abused, or
23 neglected;

24 (2) Whose families are in conflict such that they are unable to
25 exercise reasonable control of the child.

26 (b) Families shall not be eligible for Family Preservation Services in
27 which children are at risk of recurring sexual abuse perpetrated by a member
28 of their immediate household and whose continued safety from recurring abuse
29 cannot be reasonably assured; and

30 (c) The implementation of Family Preservation Services shall be
31 extended to those families for whom on-going assessment indicates protection
32 can be maintained.

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34 SECTION 7. (a) The provision of Family Preservation Services to a
35 family shall constitute a reasonable effort by the Department of Human

1 Services to prevent the removal of a child from the child's home, provided
2 that the family has received timely access to other services from the
3 Department of Human Services for which the family is eligible.

4 (b) Acceptance of Family Preservation Services shall not be considered
5 an admission of any allegation that initiated the investigation of the family,
6 nor shall refusal of Family Preservation Services be considered as evidence in
7 any proceeding except where the issue is whether the Department of Human
8 Services has made reasonable efforts to prevent removal of a child.

9 (c) No Family Preservation Services program shall compel any family
10 member to engage in any activity or refrain from any activity which is not
11 reasonably related to remedying a condition or conditions that gave rise or
12 which could reasonably give rise to any finding of child abuse, neglect or
13 dependency.

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15 SECTION 8. (a) The Deputy Director of Children and Family Services
16 shall conduct a yearly evaluation of Family Preservation Services which shall
17 include the following:

18 (1) The number of families in which Family Preservation Services has
19 been an alternative to placement of the child if available;

20 (2) The number of families receiving Family Preservation Services,
21 including the number of children in those families;

22 (3) Among those families receiving Family Preservation Services, the
23 number of children placed outside the home and the average cost per family of
24 providing Family Preservation Services;

25 (4) The estimated cost of out-of-home placement which would have been
26 expended on behalf of those children who received Family Preservation Services
27 based on average lengths of stay and average costs of out-of-home placements;

28 (5) The number of children who remain unified with their families six
29 (6) months and one (1) year after completion of Family Preservation Services;

30 and

31 (6) An overall evaluation of the progress of Family Preservation
32 Services programs during the preceding year, recommendations for improvements
33 in delivery of this service, and a plan for the continued development of
34 Family Preservation Services to ensure progress towards statewide
35 availability.

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SECTION 9. (a) The Deputy Director of the Division of Children and Family Services may use funds that become available through an increase in reimbursement of funds from Family Preservation Services from Title IV-E of the Social Security Act as amended by P.L. 96-272 for the purposes of providing Family Preservation Services to children who would otherwise be removed from their homes or are receiving services to achieve reunification.

SECTION 10. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 12. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 4/8/91

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