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# COMMUNITY-BASED FOSTER CARE

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## A. What is Community-Based Foster Care?

In 2017, the Texas Legislature passed Senate Bill 11, which amended the Family Code, Government Code, and Human Resources Code relating to the provisions of child protective services and other health and human services, including foster care, relative and kinship care, and adoption services. Effective September 1, 2017, DFPS started implementing Community-Based Foster Care, referred to as CBC, in certain geographic areas in the state, known as “catchment” areas. CBC is intended to delegate or outsource certain decisions about foster care delivery and case management, and that it be implemented with measurable goals related to these decisions. DFPS is currently executing an implementation plan to roll out CBC in phases throughout several catchment areas. Phase I involves a local, single contractor handling the responsibility of finding safe, high-quality, nearby homes for children in the catchment area. Phase II is where the lead contractor also assumes responsibility for the conservatorship responsibilities of the case as well, including decisions related to family reunification, permanency goals, and all legal responsibilities.

## B. The Single Source Continuum Contractor or SSCC

A Single Source Continuum Contractor or SSCC generally will be a non-profit with a focus on child welfare and by law must be formed as a charitable organization. A local governmental entity can also serve as an SSCC and an example of a local governmental entity in a position to do so is Harris County Child Protective Services. Part of the readiness process, explained below, requires DFPS to consider whether an SSCC has demonstrated experience in providing services to children and families in the catchment area. As part of an application to secure a contract for CBC, each SSCC must develop a Community Engagement Plan that includes details about how the SSCC will involve faith-based entities, the judiciary, CASA, Child Advocacy Centers (CAC), service providers, foster families, biological parents, youth currently and formerly in foster care, relatives, child welfare boards, attorneys for both children and parents, and any other stakeholder the SSCC wants to include. Formation as a charitable organization provides limited protection to the SSCC under Chapter 84 of the Civil Practice and Remedies Code (CPRC). The CPRC protections are limited to acts or omissions that occur while the entity or person is acting within the course and scope of the entity’s contract with the Department and the person’s duties for the entity and only if insurance coverage in the minimum amounts required by Chapter 84 are in force and effect at the time of the cause of action for personal injury, death, or property damage accrues.

## C. The Effect of CBC on Courts and Court Process

Phase II of CBC requires that DFPS turn over all court-related duties to the single, lead agency who controls the catchment area. Court-related duties include service of process, notice of hearings and significant events, preparation of court reports, appearing in court and offering testimony, engaging in discovery, preparing for trial, appearing at trial and mediation, complying with all of DFPS current statutory duties, and complying with all court orders that would ordinarily bind DFPS, will be the responsibility of the SSCC and its subcontractors. DFPS will be the party to the lawsuit, and the SSCC will act as its agent. SSCC employees will confer with and operate under an attorney-client

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relationship with the DFPS legal counsel, whether DFPS is represented by a regional attorney or a county or a district attorney. Records that are related to the provision of CBC in a catchment area are subject to the Public Information Act in the same manner as DFPS records.

#### **D. Monitoring of the SSCC by DFPS**

Rather than serve in its traditional role in CBC areas, DFPS will act as a quality oversight and assurance division to ensure contract compliance, conduct assessments of fiscal and qualitative performance of the SSCC and vendors, and create and administer a dispute resolution process. DFPS must also monitor the transfer of case management services through this division, and has the statutory authority to review, approve, or disapprove a contractor's recommendation with respect to a child's permanency goal, but it is not clear whether DFPS will have sufficient staff to monitor this aspect.