
COMMUNITY-BASED FOSTER CARE

A. What is Community-Based Foster Care?

In 2017, DFPS started implementing Community-Based Foster Care, also 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 it is implemented with measurable goals related to these decisions. CBC is designed to be implemented in stages. Stage I of CBC involves a single contractor handling the responsibility of finding safe, high-quality, nearby homes for children in the catchment area. Stage 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. At each stage of CBC, the readiness of the provider to successfully interact with all stakeholders and to serve the children and families in its catchment area is critical to the success of the roll out.

B. The Single Source Continuum Contractor

Generally, a Single Source Continuum Contractor (SSCC) is a non-profit organization which has 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; an example of such a local governmental entity is Harris County Child Protective Services. As part of the readiness process, DFPS is required 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 legal protection to the SSCC under [Tex. Civ. Prac. & Rem. Code Chapter 84](#). The [Tex. Civ. Prac. & Rem. Code](#) 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 [Tex. Civ. Prac. & Rem. Code 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

Stage II of CBC requires that DFPS turn over all court-related duties to the single, lead agency who controls the catchment area so that these duties become the responsibility of the SSCC and its subcontractors. (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 DFPS’ agent. SSCC employees will confer with and operate under an attorney-client relationship with the DFPS legal counsel, whether DFPS is represented by a regional attorney, a county attorney, 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.

E. The Role for Judges in Community-Based Care

The role for judges in all aspects of community-based care cannot be overstated. Judges are a critical partner in planning, implementation, and oversight of this model for provision of child welfare services and permanency. Judges are encouraged to work closely with DFPS as CBC moves into a catchment area where their court is located as well as to be in continued communications with all partners as Stage I is implemented. Stage II is an especially critical time for judges to provide oversight to ensure due process for children and families. This oversight includes ongoing communication with the SSCC to clarify roles and expectations, streamline required court and legal processes, and resolve any issues. As the process evolves, these children and families will be well served by judges who remain informed about the ever-changing landscape of CBC.

F. Community-Based Foster Care Resources

In 2021, the Office of Community Based Care Transition was established as an independent office that is administratively attached to DFPS. The office will assess catchment areas where CBC services may be implemented, develop a plan for implementing CBC in each catchment area in Texas, including the order in which CBC will be implemented in each catchment area, a timeline for implementation, and an evaluation of CBC providers. [Tex. Fam. Code § 264.172](#). Additional information about the implementation of CBC, including a map of the catchment areas and updates on the Implementation Plan, is available on the [DFPS Community-Based Care](#) webpage.¹⁰³