



Texas Department of Family and Protective Services

Commissioner
Jaime Masters

February 25, 2020

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Executive Commissioner
Health and Human Services Commission
PO Box 13247
Austin, Texas 78711

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Commissioner of Education
Texas Education Agency
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Texas Juvenile Justice Department
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Executive Director
Texas Department of Criminal Justice
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Dear Dr. Phillips, Ms. Cain, Mr. Morath, and Mr. Collier:

Texas statute provides authority for the Single Source Continuum Contractors (“SSCC”) in the State of Texas, either directly or through subcontractors, to assume the statutory duties of the Texas Department of Family and Protective Services (“DFPS”) in connection with the delivery of foster care services, services for relative and kinship caregivers, and case management services in the SSCC’s defined catchment area.

History

In 2017, the 85th Texas Legislature through Senate Bill 11 established the Community-Based Care (“CBC”) Model for delivery of the state’s child welfare services. Under the CBC Model, DFPS is required to purchase case management and substitute care (foster and kinship) services from the SSCC for children, youth and young adults who are in the department’s conservatorship or who are receiving services through the extended foster care program. Implementation of the CBC model transitions the Texas child welfare system from a statewide, “one size fits all” approach, to a community-based model designed to meet the individual and unique needs of children, youth and families in Texas at the local level.

As of January 2020, DFPS is implementing CBC in 5 catchment areas of the state: catchment areas 1 (Lubbock/Amarillo), 2 (Abilene/Wichita Falls), 3b (Fort Worth), 8a (San Antonio/Bexar

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county), and 8b (counties surrounding Bexar county). The latest version of the statewide Implementation Plan and additional information about CBC can be found on the [CBC website](#).

Authority

Under Texas statute, the Legislature required DFPS to contract with community-based nonprofit and local governmental entities to provide child welfare services. These statutes provide authority for the community-based entities, known as the SSCC, to either directly or through subcontractors, assume the statutory duties of the department in connection with the delivery of foster care services and services for relative and kinship caregivers in the SSCCs defined catchment area.¹² Delivery of foster care services and services to relative and kinship caregivers can include but is not limited to:

- A SSCC staff member's direct contact with a child or youth in DFPS Conservatorship who they are serving under the SSCC continuum of care;
- A SSCC staff member's ability to visit privately with a child or youth in DFPS Conservatorship at schools, foster or kinship homes or any other meeting site;
- Entities providing confidential information to a SSCC staff member upon request about a child or youth in DFPS Conservatorship who is served under the SSCC continuum of care.

Under Texas statute, an SSCC in a contract with DFPS will, at a minimum:

1. assume the statutory duties of DFPS in connection with the delivery of foster care services and services for relative and kinship caregivers in a defined catchment area;³
2. provide or protect records as outlined in the Open Records Act found in Texas Government Code Chapter 552;⁴ and
3. be afforded protection of communication that may occur between the SSCC's employee, agent or representative when considered a client's representative of DFPS for purposes of attorney-client privilege.⁵

Under Texas statute, DFPS will, at a minimum:

1. contract with community-based nonprofit and local governmental entities that have the ability to provide child welfare services;⁶

¹ Tex. Fam. Code § 264.151, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

² Tex. Hum. Res. Code § 40.058, <https://statutes.capitol.texas.gov/Docs/HR/htm/HR.40.htm>, (last visited Dec 27, 2019).

³ Tex. Fam. Code § 264.161, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

⁴ Tex. Fam. Code § 264.164, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

⁵ Tex. Fam. Code § 264.167, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

⁶ Tex. Fam. Code § 264.151.

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2. develop and maintain a plan for implementing community-based care;⁷
3. develop a formal review process to assess the ability of a single source continuum contractor to satisfy the responsibilities and administrative requirements of delivery foster care services and services for relative and kinship caregivers;⁸
4. expand community-based care;⁹
5. review contractor's performance;¹⁰ and
6. provide legal representation in an action under Title 5 of the Texas Family Code: The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship.¹¹

The Texas Family Code provides additional details regarding the requirements of the SSCC and DFPS.

Summary

In summary, the SSCCs under contract with DFPS assume the statutory duties of DFPS in connection with the delivery of the specified child welfare services listed above in a defined catchment area. Vendors and other organizations should treat the **SSCCs as an agent of DFPS** as it relates to the specified child welfare services listed above being delivered by the SSCCs. Please visit the [Community-Based Care](#) webpage for more information.

Thank you for your leadership and thanks to you and your staff for your service to the citizens of Texas. Please contact me with any questions.

Sincerely,



Jaime Masters, MS, MFT

⁷ Tex. Fam. Code § 264.153, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

⁸ Tex. Fam. Code § 264.156, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

⁹ Tex. Fam. Code § 264.157, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

¹⁰ Tex. Fam. Code § 264.162, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).

¹¹ Tex. Fam. Code § 264.163, <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm>, (last visited Dec. 27, 2019).