

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Michael L. Wright, Supervising Attorney, 415-865-7619,
michael.wright@jud.ca.gov
Shelly La Botte, Senior Court Services Analyst, Access to Visitation
Grant Program Manager, 415-865-7565, shelly.labotte@jud.ca.gov

DATE: February 20, 2009

SUBJECT: Access to Visitation Grant Program: Approve Funding Allocations for
Fiscal Year 2009–2010 (Action Required)

Issue Statement

Family Code section 3204(a) requires the Judicial Council to annually apply for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the 1996 Federal Personal Responsibility and Work Opportunity Recovery Act (PRWORA). These grants enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. The Judicial Council is also required to approve as many requests for funding proposals as possible while assuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program.¹

Subject to the availability of federal funding, the amount of grant funding to the courts for fiscal year 2009 is approximately \$772,000 for a funding period that runs from April 1, 2009, to March 31, 2010. Within the Administrative Office of the Courts, the Center for Families, Children & the Courts (CFCC) administers the grant application process and works with the council's Family and Juvenile Law Advisory Committee to develop the funding recommendations for this program.

Under Family Code section 3204(b)(2), the Judicial Council is required to determine the final number and amount of grants. This report is coming before the council for funding allocation approval.

¹ Fam. Code, § 3204(b)(2).

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 1, 2009:

1. Approve the funding allocation and distribution of approximately \$772,000 for fiscal year 2009–2010 to continuation programs as set forth in attachment A; and
2. Approve the Family and Juvenile Law Advisory Committee’s recommendation that if additional federal funds become available during this funding period, a separate request for proposals and grant application process be used to allocate these funds to new programs or programs not currently funded by this grant.

A list of continuation courts and their grant award amounts is included as attachment A on page 6 of this report.

Rationale for Recommendation

The recommendation for continuation funding of existing Access to Visitation Grant Programs is consistent with the Family and Juvenile Law Advisory Committee’s prior decision to give funding preference to existing programs. This is to allow for program continuation and stability, build long-term sustainability through the development of meaningful collaborations and working partnerships with community service agencies, and institutionalize effective model programs. This funding preference for continuation programs has been consistent from fiscal years 2004–2005 through 2008–2009, supporting the statewide goal of developing and implementing effective model programs that can be replicated across the state. In addition, this framework was consistent with the council’s *Leading Justice Into the Future: Operational Plan for California’s Judicial Branch, Fiscal Years 2003–2004 Through 2005–2006* and the proposed objective to identify and evaluate effective models of practice and report to the Judicial Council on the implications of implementing such programs statewide, including program benefits and potential impacts on judicial resources.

Given limited funding for this grant program, support for continuation programs has been the most cost-effective and efficient means to maximize the grant funds. Building on these court successes and well-established collaborative partnerships, we are able to begin to move toward an open request for proposals process to provide an opportunity for other courts to implement effective model programs. As such, we anticipate implementing an open request for proposals application process for multiyear funding during fiscal year 2010–2011.

Use of Grant Funds

In an effort to “remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become actively involved in their children’s lives,” the PRWORA of 1996 authorized \$10 million in block grants—Grants to States for Child Access and Visitation—to enable states to establish programs to

support and facilitate noncustodial parents' access to and visitation with their children. Under the federal statute, funds may be used for activities such as mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision, and neutral drop-off and pickup), and development of guidelines for visitation and alternative custody arrangements. The use of the funds in California, however, is limited by state statute to three types of programs:²

- Supervised visitation and exchange services;
- Education about protecting children during family disruption; and
- Group counseling services for parents and children.

For fiscal years 1997 through 2000, the California Department of Social Services was the lead agency and applicant for the grant funds. In fiscal year 2000, the Judicial Council became the lead agency and applicant for the grant funds and was charged with overall responsibility for administering the California grant program.³

Funding allocation to states

The Child Access and Visitation Grant is a formula grant program. Funding allocations to states are based on the states' numbers of single-parent households. California receives the maximum amount of eligible funds (approximately \$943,000⁴), which represents less than 10 percent of the total national funding. California is required under the grant to provide a 10 percent state match share, and the Access to Visitation Grant Program courts and their subcontractors are required to provide a 20 percent (nonfederal) funding match. The match by the courts/subcontractors is intended to help supplement their federal grant funds and support long-term program growth (e.g., seeking or leveraging private sector resources and foundation support).

Grant award amounts

California's funding allocation formula, or funding cap, is based on county population size. The funding cap was adopted and approved by the Family and Juvenile Law Advisory Committee in fiscal year 2003–2004 and was similar to the model used by the Judicial Council Court Appointed Special Advocates (CASA) Grant. Currently, CASA grant funding is awarded through the Trial Court Trust Fund. The current maximum grant amounts are as follows:

- \$45,000 for counties or collaboratives in which the population is less than 250,000;

² Fam. Code, § 3204(b)(1).

³ Fam. Code, § 3204(a).

⁴ The grant award amount for the State of California for fiscal year 2009–2010 is approximately \$943,000. The superior courts will be awarded approximately \$772,000 and the remaining grant funds will be used for AOC costs associated with administration and operation of the grant program, including staffing costs.

- \$60,000 for counties or collaboratives in which the population is more than 250,000 but less than 1 million; and
- \$100,000 for counties or collaboratives in which the population exceeds 1 million.

Review process

The committee's recommendation is to continue the existing funding levels for all programs that were funded in fiscal years 2007–2008 and 2008–2009, which were subject to a thorough AOC staff review and evaluation. The proposals were evaluated with the intent to fund continuing programs that demonstrated a strong history of sound fiscal management and program administration, evidence of effective and collaborative working relationships, coordination of services with other community services, and successful completion of federal and state grant reporting requirements and standards of practice compliance. In addition, all proposals must provide beneficial services that satisfy the statutory goals of the grant program.

The same methodology will be used to evaluate continuation programs for fiscal year 2009–2010 and is consistent with the evaluation criteria in Family Code section 3204(b)(2) to: (1) support the goals of the grant program to reach the greatest number of single-parent households; (2) represent statewide geographical diversity in service delivery, including population and court size; (3) include multicourt collaborations; and (4) ensure overall cost-effectiveness.

Alternative Actions Considered

The Judicial Council is required to allocate funding for this federal grant program. The committee did consider using a statewide competitive request for proposals (RFP) application process as an alternative to continuation funding. However, this was determined not to be the most cost-effective way to maximize the use of the grant funds since each year the funding requested by the courts through grant proposals far exceeds available federal funds. In the past, the RFP approach has resulted in federal funding being renewed for some courts, enabling their program services to continue, while for other courts the limitations on available funding have meant that programs could not continue and were terminated. It has also resulted in awarding grants based on grant-writing skills as opposed to well-established measurable program accomplishments.

As a result of the inadequacy of available funding to meet the ever-increasing demand for services, the committee did not support redirecting the limited funds to new or nonexistent programs if existing court service programs were to be eliminated or closed down. The alternative of distributing the funds to continuation programs will build on past successes and successful working partnerships between the courts and public agencies in light of the evolving challenges to maintaining current service levels.

However, to provide an opportunity for all superior courts to apply for Access to Visitation Grant funding, we anticipate conducting an open request for proposals application process for multiyear funding during fiscal year 2010–2011. In addition, to address concerns regarding implementation of Access to Visitation Grant Programs where none currently exist, the committee recommends that if additional federal funds become available during this funding period, a separate request for proposals and grant application process would be administered to allocate these funds to new programs or programs not currently funded by this grant.

Comments From Interested Parties

This proposal is not required to be circulated for comment.

Implementation Requirements and Costs

Access to Visitation Grant Program funds are awarded to California family courts through a request for proposals process. In November 2008, a request for proposals/grant application was sent to continuation programs and their respective courts. Applicants were strongly encouraged to continue multicourt and multicounty collaborations and to designate one court as the lead or administering court. Courts may contract with nonprofit agencies and other community-based organizations to provide services, but the standard contract agreements are made only with the designated superior court. Each applicant court and local service provider (i.e., nonprofit agency or community-based subcontractor) receiving funding is required to comply with all federal and state grant funding requirements.

AOC staff will work with the Family and Juvenile Law Advisory Committee and the federal Administration for Children and Families to oversee the administration of California's Access to Visitation Grant Program, including fulfillment of requirements for reports to the state Legislature (required each even-numbered year) on the programs funded and whether and to what extent the programs are achieving the goals of the grant program.

Attachment

**Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts**

ATTACHMENT A

**Access to Visitation Grant Program: List of Applicant Courts and Grant Award Amounts
for Fiscal Year 2009–2010**

<i>Applicant Courts</i>	<i>Collaborative County Partners</i>	<i>Grant Award Amounts</i>	<i>Supervised Visitation and Exchange</i>	<i>Parent Education</i>	<i>Group Counseling</i>
Superior Court of Butte County	Butte, Glenn, and Plumas	\$60,000	X		
Superior Court of Fresno County	Fresno	\$59,928	X		
Superior Court of Los Angeles County	Los Angeles (<i>the court has four nonprofit subcontractors</i>)	\$100,000	X		
Superior Court of Mendocino County	Del Norte and Mendocino	\$45,000	X	X	
Superior Court of Napa County	Napa	\$27,000	X		
Superior Court of Orange County	Orange (<i>the court has two nonprofit subcontractors</i>)	\$86,978	X		
Superior Court of San Francisco County	San Francisco	\$60,000	X		
Superior Court of Santa Clara County	San Mateo and Santa Clara	\$100,000	X		
Superior Court of Santa Cruz County	Monterey, San Benito, and Santa Cruz	\$60,000	X		
Superior Court of Shasta County	Shasta, Tehama, and Trinity	\$60,000	X	X	X
Superior Court of Sonoma County	Sonoma (<i>the court has two nonprofit subcontractors</i>)	\$34,000	X	X	
Superior Court of Tulare County	Kings and Tulare	\$36,844	X		
Superior Court of Yuba County	Sutter and Yuba	\$41,788	X		
Total		\$771,538			