

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

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Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
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DATE: August 10, 2005

SUBJECT: Access to Visitation Grant Program: Approve Funding Allocations
for Fiscal Years 2005–2006 and 2006–2007 (Action Required)

Issue Statement

Family Code section 3204(a) requires the Judicial Council to annually apply for federal Child Access and Visitation Grant Program funds and to award this funding to the superior courts throughout California. The funds are to be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program (Fam. Code, § 3204(b)(2)).

For federal fiscal year 2005–2006, the amount of available federal funding for continuation programs is \$780,000 for a funding period that runs from October 1, 2005, to September 30, 2006; it is anticipated that the same amount of funding will be available for fiscal year 2006–2007.¹ 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. Previously, the council delegated its approval authority to the Executive and Planning Committee. However, consistent with the Judicial Council policy to bring funding allocation recommendations before the council, this report is coming before the council for approval.

¹ If California receives an increase in state funding for fiscal year 2006, a separate request for proposals and grant application process will be administered with the increased funds.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2005, approve the multiyear Access to Visitation grant funding allocation of \$780,000 (per year for fiscal years 2005–2006 and 2006–2007) to the following continuation programs, which represent 13 superior courts, involving 24 counties. The committee further recommends 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.

The list of applicant courts and their grant award amounts for fiscal years 2005–2006 and 2006–2007, is attached at page 7.

Rationale for Recommendation

Background

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 federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 authorized \$10 million in block grants—Grants to States for Child Access and Visitation—to enable states to establish and administer programs to support and facilitate noncustodial parents’ access to and visitation with their children. Under the federal statute, funds may be used for such activities 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. Family Code section 3204(b)(1) limits the types of programs for which these funds may be used in California to:

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

During the first four years of funding (i.e., fiscal years 1997 through 2000), the California Department of Social Services (CDSS) was the lead agency and applicant for the federal grant funds. The administration of these funds was based upon an interagency agreement between CDSS and the Judicial Council. Beginning fiscal year 2000, the Legislature directed the Judicial Council to become the lead agency and applicant for the grant funds. The Judicial Council was charged with overall responsibility for administering the grant program.

Funding allocation to states

The federal allocation to each state is based on the number of single-parent households. California has the most single heads of households (2.18 million) in the United States, amounting to 11.6 percent of the 18.77 million² single-parent households nationwide. Although California receives the maximum amount of eligible federal funds (approximately \$988,000 per year),³ this amount represents only 10 percent of the national funding. All of the grantees are required to develop and implement strategies to supplement their federal grant funds with other sources of funding.⁴ In addition, programs are required to provide a 20 percent (nonfederal) funding match.

Grant award amounts

The current maximum grant amounts are as follows:

- \$45,000 for counties or collaboratives in which the population is less than 250,000;
- \$60,00 for counties or collaboratives in which the population is over 250,000 but less than 1 million; and
- \$100,000 for counties or collaboratives in which the population exceeds 1 million.

During the grant application cycle for fiscal years 2003–2004 and 2004–2005, new programs were able to apply for the maximum amount in the category for their population size.

In fiscal year 2003, the allocation scheme—a funding cap based on county population size—was adopted by the Family and Juvenile Law Advisory Committee for the multiyear funding cycle (i.e., fiscal years 2003–2004 and 2004–2005). This funding cap was also approved for fiscal years 2005–2006 and 2006–2007. The funding cap is similar to the model used by the AOC Court Appointed Special Advocate (CASA) Grant Program.

² The statistical representation is based on the 2000 U.S. Census data used by the Department of Health and Human Services, Office of Child Support Enforcement for allocation of funding to California's Access to Visitation Grant Program for the grant funding period.

³ This amount represents the state's total funding allocation for the fiscal year; however, of this grant award, approximately \$780,000 is allocated to the superior courts, with the remaining funds being used for general administrative costs for operation of the grant program by the AOC.

⁴ Program sustainability is a key policy goal of the grant program. In each year's grant application, applicants must submit a funding plan and course of action that describes (1) current funding sources for the program; (2) the program's proposed development plan for the fiscal year, including resources for supplemental funding; and (3) results of previous funding efforts.

Program funding preference

The recommendation for continuation funding of existing Access to Visitation programs is consistent with the Family and Juvenile Law Advisory Committee's prior decisions to give funding preference to existing programs and will allow courts adequate time to successfully implement their program services, build program continuity and sustainability, and alleviate the burden of reapplying for continued funding each fiscal year. In addition, this funding allocation will continue the many multicourt-county collaborations.⁵

Furthermore, continuation funding is justified by the fact that these courts received the highest score and ranking per population category size, demonstrated a history of sound fiscal management and program administration, and reflected geographic diversity in population and court size during the initial program selection and review process. These existing continuation programs have been developing model best practice programs.

Review and selection process

While the current committee recommendation is to continue existing funding levels for all programs funded in federal fiscal years 2003–2004 and 2004–2005, those awards were initially subject to a stringent review and selection process as set out below. Because the amount of funds requested each year far exceeds the amount available to award, and because demand for the types of services funded under the grant program is high, the grant review and selection methodology was designed to maximize the availability of services and resources consistent with the funding and evaluation criteria set forth in Family Code section 3204(b)(2).

In order to ensure that the proposals were subject to a fair and unbiased selection process, the Family Law Subcommittee approved the establishment of the Selection Review Committee (SRC), consisting of members from the Family and Juvenile Law Advisory Committee and one CFCC staff attorney, to review the grant proposals and to submit funding recommendations directly to the Executive and Planning Committee. CFCC staff members acted as individual group facilitators and recorders for SRC but did not score or rate the proposals. SRC members also did not review and score any proposals from their own county or court.

SRC members utilized both a reviewer rating sheet that provided clear, quantifiable measures for evaluation and scoring of the proposals and a rating scale to tabulate the applicants' responses to each question.

⁵ The rationale for supporting multicourt collaborations includes the following: (1) consistency with the intent of the Legislature to have courts and county regions participating as partners in order to maximize resources; (2) consistency with Fam. Code, § 3204(b)(2)(A) to make service delivery available to a broad population; and (3) allowance for more geographically accessible programs statewide.

The following values and principles were considered in scoring each grant application:

- Evidence of strong court and community support;
- Promotion and encouragement of healthy parent and child relationships between noncustodial parents and their children;
- Innovative service delivery;
- Efficient use of federal grant funds; and
- Overall cost-effectiveness.

Replication of effective best practice programs

Multiyear funding, and a preference to fund continuation programs for fiscal years 2005–2006 and 2006–2007, will help support the statewide goal of developing and implementing effective model programs that can be replicated in jurisdictions across the state. Since the inception of the grant program, many of the court and community service providers have established high-quality service approaches and have become best practice programs. The numerous challenges and successes of various courts and subcontractors in developing and maintaining their program services have contributed greatly to the overall improvement of court proceedings involving families and children. Knowledge of existing resources and familiarity with common experiences can significantly assist “new” courts and counties struggling with program design and implementation issues. The sharing of “lessons learned” with other courts can also assist in building greater program sustainability because courts could learn from each other, be evaluated across sites, and produce effective practices.

When replicated statewide, effective best practice programs can serve as model pilot projects on a national and statewide basis to exemplify well-designed programs that demonstrate strong administrative expertise, solid fiscal administration, and the integration of court and community in service delivery. Funding for continuation programs can help reduce potential start-up risks associated with unspent funds, prevent expenditure of funds on implementation and program design rather than on direct services, and minimize overhead costs associated with staff training.

Furthermore, 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 Legislature and the Judicial Council on the implications of implementing such programs statewide (where appropriate), including the benefits of the programs and their potential impacts on judicial resources, these continuation programs will be the foundation and resource for other courts seeking to start up a grant program providing these types of services.

Consistent with the directives of Family Code section 3204(b)(2), the funding recommendations will continue to support the goals of the grant program to reach the

greatest number of single parent/family households; represent statewide geographical diversity in service delivery, including population and court size; include multicourt collaborations; and offer a range of various program services.

Alternative Actions Considered

The committee did consider alternatives to continuation funding. One alternative considered was to administer a statewide competitive grant application process; however this was determined to not be the most cost-effective means for maximizing 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, this 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 to operate or programs were eliminated or terminated. Additionally, several approaches used in the past have been pro rata cuts of between 20 to 40 percent across all funded applications. These severe cuts have made it impossible for the courts and programs to provide the services needed and preclude adequate quality assurances for program service delivery (i.e., reductions in overall program service delivery, longer waiting lists for families to receive services, establishment of cost-prohibitive fees for low-income families).

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

Not applicable as this proposal is not required to be circulated for comment.

Implementation Requirements and Costs

None.

Attachments

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

ATTACHMENT A

**List of Applicant Courts and Grant Award Amounts for Fiscal
Years 2005–2006 and 2006–2007**

<i>Applicant Court</i>	<i>Collaborative County Partners</i>	<i>Grant Award Amounts</i>
Superior Court of Butte County	Butte, Glenn, and Plumas	\$60,000
Superior Court of Fresno County	Fresno	\$59,928
Superior Court of Los Angeles County	Los Angeles (<i>the court has five nonprofit subcontractors</i>)	\$100,000
Superior Court of Mendocino County	Del Norte, Humboldt, and Mendocino	\$49,231
Superior Court of Napa County	Napa	\$27,000
Superior Court of Orange County	Orange (<i>the court has three nonprofit subcontractors</i>)	\$86,978
Superior Court of San Francisco County	San Francisco	\$60,000
Superior Court of Santa Clara County	San Mateo and Santa Clara	\$100,000
Superior Court of Santa Cruz County	Monterey, San Benito, and Santa Cruz	\$60,000
Superior Court of Shasta County ¹	Shasta, Tehama, and Trinity ²	\$64,231
Superior Court of Sonoma County	Sonoma (<i>the court has two nonprofit subcontractors</i>)	\$34,000
Superior Court of Tulare County	Kings and Tulare	\$36,844
Superior Court of Yuba County	Sutter and Yuba	\$41,788

¹ In November 2004, the Judicial Council approved the redistribution of \$8,642, in federal Access to Visitation Grant funds resulting from one court program's closure, to two existing grantees: the Superior Courts of Mendocino and Shasta Counties. The grant funds were divided equally between the two superior courts.

² After the review of this report by the Family and Juvenile Law Advisory Committee, Siskiyou County, which had been a collaborative county partner, withdrew from the collaboration. Siskiyou County's original allocation of \$5,000 will be absorbed by the remaining collaborative county partners. The co-chairs of the Family and Juvenile Law Advisory Committee were advised of this change.

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

ATTACHMENT B

California Family Code §§ 3200–3204

3200 [Development of Standards for Supervised Visitation] The Judicial Council shall develop standards for supervised visitation providers in accordance with the guidelines set forth in this section. On or before April 1, 1997, the Judicial Council shall report the standards developed and present an implementation plan to the Legislature. For the purposes of the development of these standards, the term "provider" shall include any individual who functions as a visitation monitor, as well as supervised visitation centers. Provisions shall be made within the standards to allow for the diversity of supervised visitation providers.

(a) When developing standards, the Judicial Council shall consider all of the following issues:

- (1) The provider's qualifications, experience, and education.
- (2) Safety and security procedures, including ratios of children per supervisor.
- (3) Any conflict of interest.
- (4) Maintenance and disclosure of records, including confidentiality policies.
- (5) Procedures for screening, delineation of terms and conditions, and termination of supervised visitation services.
- (6) Procedures for emergency or extenuating situations.
- (7) Orientation to and guidelines for cases in which there are allegations of domestic violence, child abuse, substance abuse, or special circumstances.
- (8) The legal obligations and responsibilities of supervisors.

(b) The Judicial Council shall consult with visitation centers, mothers' groups, fathers' groups, judges, the State Bar of California, children's advocacy groups, domestic violence prevention groups, Family Court Services, and other groups it regards as necessary in connection with these standards.

(c) It is the intent of the Legislature that the safety of children, adults, and visitation supervisors be a precondition to providing visitation services. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

3201 [First Enacted Section] Supervised Visitation Administration. Any supervised visitation maintained or imposed by the court shall be administered in accordance with Section 26.2 of the California Standards of Judicial Administration recommended by the Judicial Council.

3201. [Second Enacted Section] Administration of Programs; Definitions.

(a) The programs described in this chapter shall be administered by the family law division of the superior court in the county.

(b) For purposes of this chapter, "education about protecting children during family disruption" includes education on parenting skills and the impact of parental conflict on children, how to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.

3202 [Compliance with Requirements; Definitions]

(a) All supervised visitation and exchange programs funded pursuant to this chapter shall comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in Section 26.2 of the Standards of Judicial Administration as amended. The family law division of the superior court may contract with eligible providers of supervised visitation and exchange services, education, and group counseling to provide services under this chapter.

(b) As used in this section, "eligible provider" means:

(1) For providers of supervised visitation and exchange services, a local public agency or nonprofit entity that satisfies the Uniform Standards of Practice for Providers of Supervised Visitation.

(2) For providers of group counseling, a professional licensed to practice psychotherapy in this state, including, but not limited to, a licensed psychiatrist, licensed psychologist, licensed clinical social worker, or licensed marriage and family therapist; or a mental health intern working under the direct supervision of a professional licensed to practice psychotherapy.

(3) For providers of education, a professional with a bachelor's or master's degree in human behavior, child development, psychology, counseling, family-life education, or a related field, having specific training in issues relating to child and family development, substance abuse, child abuse, domestic violence, effective parenting, and the impact of divorce and interparental conflict on children; or an intern working under the supervision of that professional.

3203 [Programs and Counseling Administered by the Family Law Division] Subject to the availability of federal funding for the purposes of this chapter, the family law division of the superior court in each county may establish and administer a supervised visitation and exchange program, programs for education about protecting children during family disruption, and group counseling programs for parents and children under this chapter. The programs shall allow parties and children to participate in supervised visitation between a custodial party and a noncustodial party or joint custodians, and to participate in the education and group counseling programs, irrespective of whether the parties are or are not married to each other or are currently living separately and apart on a permanent or temporary basis.

3204 [Administration of Grant Funds]

(a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

(A) Availability of services to a broad population of parties.

(B) The ability to expand existing services.

(C) Coordination with other community services.

(D) The hours of service delivery.

(E) The number of counties or regions participating.

(F) Overall cost effectiveness.

(G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.

Assembly Bill 673 (Statutes 1999, chapter 1004 (Honda)); repealed FC § 10100-10102 and added Family Code sections 3201-3204.