

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: Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Tracy Kenny, Attorney, Office of Governmental Affairs, 916-323-3121
tracy.kenny@jud.ca.gov

DATE: October 26, 2006

SUBJECT: Conform the Access to Visitation Grant Program Legislative Report
Requirement to the Federal Funding Cycle (Fam. Code, § 3204(a)) (Action
Required)

Issue Statement

Family Code section 3204 requires the Judicial Council to submit an application to the federal government for grant funds for programs that provide specific child custody and visitation services to families, including supervised visitation and exchange services, and to report annually to the Legislature on the programs that are funded with these grant monies. While the statute requires an annual report, the federal grants are two years in duration, and the Administrative Office of the Courts (AOC) funds its grantees on a two-year cycle. As a result, the content of the report varies little during the two-year grant period, providing no additional information that would be of benefit to the Legislature, while at the same time requiring significant preparation time by the AOC staff and grantees.

Recommendation

The Policy Coordination and Liaison Committee and AOC staff recommend that the Judicial Council sponsor legislation to amend Family Code section 3204(d) to make the reporting requirement apply in every even-numbered year to better correspond with the federal and AOC grant periods.

The text of the proposed legislation is attached at page 3.

Rationale for Recommendation

The availability of new federal funds for visitation services was the factor that motivated the enactment of California Family Code section 3204 in 1999. At that time the

Legislature was interested in monitoring how the Judicial Council and the AOC would implement the new program, and what the results would be. Since that time the council has established the program, the Access to Visitation Grant Program, and has submitted five reports to the Legislature. Each report has been extensive, as well as responsive to the requirement that it present information not only on the programs funded, but also on “whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships” between noncustodial parents and their children. Because the programs remain funded and do not change within the two-year grant cycle, the information received by the Legislature does not vary significantly within that period.

Amending the statute to make the reporting requirement biennial would make better use of staff and program time, while ensuring that the Legislature receives timely and accurate information about the program in each legislative session.

Alternative Actions Considered

Because it is believed by some that the Legislature has shown little interest in the content of these reports, staff considered a proposal to eliminate the reporting requirement altogether. This option is not recommended because it would eliminate the opportunity for the council to provide regular information to the Legislature on this important program.

Comments From Interested Parties

Because this proposal is noncontroversial in nature and primarily affects AOC staff and the programs receiving funds administered through the Access to Visitation Grant Program, the proposal did not need to be circulated for comment.

Implementation Requirements and Costs

If legislation is enacted to make the existing reporting requirement a biennial one, then significant AOC staff time will be freed up to pursue other activities that will benefit the Access to Visitation grantees, resulting in a more efficient use of resources.

Attachment

Family Code section 3204(d) would be amended to read:

1 **§ 3204**

2

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