

**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: November 22, 2004

SUBJECT: Access to Visitation Grant Program: Redistribution of Grant Funds
for Fiscal Year 2004–2005 (Action Required)

Issue Statement

The Judicial Council is charged with administering and distributing federal Child Access and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.¹ These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104–193, 110 Stat. 2258), title III, section 469B of the Social Security Act, enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. Under established provisions contained in the standard contract agreement with each of the superior courts, the Judicial Council may redistribute funds among grant recipients in order to ensure that all available funds are used and spent.

Recommendation

The Family and Juvenile Law Advisory Committee and the Executive and Planning Committee recommend that the Judicial Council approve the redistribution of \$8,642.00, representing 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.

¹ Fam. Code, § 3204(a).

The additional funds reflect the amount allocated to the Superior Court of Madera County as part of the initial approval of grantees made in August 2003 by the Executive and Planning Committee, on behalf of the Judicial Council, for fiscal years 2003–2004 and 2004–2005. The grant funds would be divided equally between the two superior courts.

Rationale for Recommendation

Under state law,² the Judicial Council is required to apply annually for the Child Access and Visitation Grant funds and to award funding through its Access to Visitation Grant Program to superior courts throughout California. The funding allocation to states is based on the number of single-parent households. In August 2003, the Executive and Planning Committee, on behalf of the Judicial Council, approved the multiyear funding allocation of \$780,000 (per year for 2003–2004 and 2004–2005) to fund 14 superior courts, which represent programs involving 27 counties.

Effective November 2004, the Superior Court of Madera County and its subcontractor, Madera County Community Action Agency (MCCAA), voluntarily chose to suspend their services for the SEE ROOM—Supervised Visitation and Child Exchange Program. The court and subcontractor cited the following reasons as insurmountable obstacles to continued viability of the project: chronic underfunding of the program; several incidents of theft and vandalism to the agency; and loss of staff without sufficient funds to support a project coordinator.

Each year, the funding requested by courts far exceeds available federal funds. The federal Office of Child Support Enforcement is required to monitor and track whether states have spent their full grant award allocation. It is important to ensure that the courts spend their full grant amount every year in order to demonstrate the general need for increased funding. Given the closure of the Madera County program, it is essential that these grant funds be redistributed to ensure California’s compliance with state spending.

In recommending the Superior Courts of Mendocino and Shasta Counties, the Family and Juvenile Law Advisory Committee considered the following factors for each of the remaining 13 grantees:³

1. Number of counties served under the grant. The Mendocino County collaborative consists of three courts and counties: the Superior Courts of Del Norte, Humboldt, and Mendocino Counties and three nonprofit

² Fam. Code, § 3204(a).

³ The 13 grantees for fiscal years 2003–2004 and 2004–2005 are the Superior Courts of Butte, Fresno, Los Angeles, Mendocino, Napa, Orange, San Francisco, Santa Clara, Santa Cruz, Shasta, Sonoma, Tulare, and Yuba Counties.

agencies. The Shasta County collaborative consists of four courts and counties: the Superior Courts of Siskiyou, Shasta, Tehama, and Trinity Counties and four nonprofit agencies.

2. Number of community-based nonprofit agencies partnering with the court.
3. Number of program service areas. Mendocino and Shasta Counties offer the greatest number of program services (i.e., two and three services respectively versus one service).
4. Whether the court received an increase or decrease in funding for fiscal years 2003–2004 and 2004–2005, as a result of the new funding allocation cap based on county population size. Mendocino and Shasta Counties received the greatest reduction of funding with implementation of the new funding cap (i.e., Mendocino County received a 44 percent reduction in funding and Shasta County received a 25 percent reduction in funding).
5. The existence of a current waiting list for families to receive services. Both Mendocino and Shasta Counties have a waiting list for services (e.g., the average wait for grant-subsidized supervised visitation or exchange services is three weeks, and several months for the parent education workshop).⁴
6. Whether the court requested a midyear reallocation. Both the Superior Courts of Mendocino and Shasta Counties requested a midyear allocation increase in April 2004.⁵
7. Historical spending pattern (i.e., a positive history of spending their allocations). Both Mendocino and Shasta Counties have spent their previous grant award allocations.
8. Timely submission of invoices. Mendocino and Shasta Counties have submitted their monthly invoices in a timely manner.
9. Sound fiscal management and program administration. Mendocino and Shasta Counties have strong, solid program designs, have established effective collaborating relationships with various community organizations, integrate court coordination into program service delivery, and offer the greatest diversity of services to their regional population.

⁴ Superior Courts of Napa, San Francisco, Tulare, and Yuba Counties also reported they had a waiting list for grant-subsidized supervised visitation and exchange services and parent education. However, San Francisco and Yuba Counties received an increase in grant funding based on the new funding cap for the multiyear grant period. Napa County did not request additional funds during the midyear reallocation, and Tulare County did not apply for additional funds although it was eligible for an increase with the new funding cap.

⁵ The Superior Court of Mendocino County requested an additional \$20,000 in federal grant funds, and the Superior Court of Shasta County requested an additional \$5,500 in federal grant funds for FY 2003–2004.

Additionally, the above criteria are consistent with the directives of the state statute to support programs that will provide beneficial services and satisfy the overall goals of the grant program.

Alternative Actions Considered

The Administrative Office of the Courts, Access to Visitation Program staff described for the Family and Juvenile Law Advisory Committee several alternative redistribution options. One option considered was to distribute the funds equally among the 13 superior courts; however, this was viewed as not cost-effective programmatically because each court would receive only \$650.92 and the funds would not have an effective impact. Another alternative discussed was to extend the redistribution of funds to four superior courts (i.e., those in Mendocino, Shasta, Sonoma, and Tulare Counties). Although Sonoma and Tulare Counties are excellent programs, have strong program administration expertise, and could benefit from an increase in funding, the Superior Courts of Mendocino and Shasta Counties demonstrated the greatest need for additional funding. Redistribution to these counties would have the most significant impact on families seeking geographically accessible services.

Comments From Interested Parties

In November 2004, the Administrative Office of the Courts, Access to Visitation Program staff sent an e-mail message to the co-chairs of the Family and Juvenile Law Advisory Committee regarding the closure of Madera County's program. After discussion with the co-chairs, staff convened a conference call on November 18, 2004, with the Family and Juvenile Law Advisory Committee members who do not receive Access to Visitation Grant funding to discuss the recommendation. Based on comments received and discussion with the committee, members agreed with recommending redistribution of the additional grant funds to the two existing grantees, the Superior Courts of Mendocino and Shasta Counties.

Implementation Requirements and Costs

None.