

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

A REPORT TO THE LEGISLATURE

**CALIFORNIA'S ACCESS TO VISITATION GRANT
PROGRAM FOR ENHANCING RESPONSIBILITY AND
OPPORTUNITY FOR NONRESIDENTIAL PARENTS**

THE FIRST FIVE YEARS

March 1, 2002

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ACKNOWLEDGMENTS

We wish to thank the California Legislature and the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, for federal grant funds to establish California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.

The Access to Visitation Grant Program staff of the Center for Families, Children & the Courts gratefully acknowledges and sincerely thanks those who have contributed their valuable time and guidance to the development of this report: Diane Nunn, Phil Reedy, Julia Weber, and members of the Family and Juvenile Law Advisory Committee—in particular, co-chair Judge Mary Ann Grilli, Commissioner David L. Haet, Commissioner Norma Castellanos-Perez, Judge Donna Petre, Dr. Ronald Hulbert, Ms. Patricia Chavez-Fallon, and Ms. Sharon Kalemkiarian.

Many thanks to Administrative Office of the Courts staff members Carolyn McGovern, Mary Nelson, Sheila Ng, Evelyn Ho, Trina Herron, and Patricia Clemons for assisting in the preparation of this report. In addition, we thank Office of Governmental Affairs staff members Kate Howard and Tracy Kenny for their support and direction for the production of the report.

Special thanks and appreciation go to colleagues Charlene Depner and Youn Kim for their invaluable wisdom and extraordinary skills and patience as consultants on this report.

Finally, we are most grateful to all our grantees, project directors, court subcontractors, and nonprofit agencies and their staffs for their endless hard work and professionalism in improving the lives of parents and children throughout the state. This report could not have been prepared without their expertise and keen insight or without the courage of families working for the best interest of their children.

EXECUTIVE SUMMARY

In 1999 the California Legislature enacted Assembly Bill 673 (Honda), which charged the Judicial Council with administering and distributing the federal Child Access and Visitation Grant Program 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 (“welfare reform”) of 1996 (Pub. L. 104-193, 110 Stat. 2258)—also known as Title III, Subtitle I (Enhancing Responsibility and Opportunity for Nonresidential Parents), Section 469B of the Social Security Act²—enable states to establish and administer programs that support and facilitate noncustodial parents’ access to and visitation with their children.

Each year, beginning in 1997, subject to the availability of funding, the U.S. Department of Health and Human Services has awarded a total of \$10 million in block grants to all states to promote access and visitation programs that increase noncustodial parents’ involvement in their children’s lives. The grant 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.³ The federal allocation to each state is based on the number of single-parent households. California has the most single heads of households (2,178,600) in the United States, amounting to 11.6 percent of the 18,773,157⁴ single-parent households nationwide. Although California receives the maximum amount of eligible federal funds (approximately \$1 million per year), this amount represents only 10 percent of the national funding.

Assembly Bill 673 expressed the Legislature’s intent that funding for the state of California be limited by statute to the following three types of programs:

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

¹ Fam. Code, § 3204(a).

² 42 U.S.C. 669B.

³ 110 Stat. 2258.

⁴ The statistical representation is based on the 1990 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 Program for the five-year grant period.

In addition, all supervised visitation and exchange programs receiving access to visitation grant funds must comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation as set forth in section 26.2 of the California Standards of Judicial Administration.

The total amount of federal funds received in California for the five-year grant period was \$5,191,003. The total funds requested for the five-year grant period was \$8,439,071. The total amount of grant funds awarded to the administrative superior courts throughout California was \$4,304,943. Each year, the amount of funds requested has far exceeded the amount available for awards.

Federal grant funding has assisted in making supervised visitation and exchange services, education, and group counseling services possible in 30 of the 58 counties in the state where limited or no services previously existed. However, approximately 28 counties are still without these types of program services for parents and children going through family court.

Based on our surveys and discussions with the courts, grantees, and subcontractors, the greatest challenge in the delivery of these services is the *lack of available funding*. The critical scarcity in many courts and counties of available, safe, and affordable programs leaves many families unable to participate and without access to services. While the federal child access and visitation grant funds have been able to provide basic services to many parents and children who needed them, the funds have been primarily seed money to assist courts with program development and implementation. Each year, the Judicial Council receives requests for funds that far exceed the amount available for awarding.

This report provides the state Legislature with detailed information on the programs that were awarded grant funding for federal fiscal years 1997–1998 through 2000–2001 and on the award process and allocation amounts for the fifth year, fiscal year 2001–2002. It describes the extent to which those programs have achieved the goal of promoting and encouraging healthy parent-and-child relationships while ensuring the health, safety, and welfare of the children and provides information on program administration, program accomplishments, review and selection processes, and reporting requirements (participant data).

Although no specific recommendations are made in this report, the following actions to improve parents' access to and visitation with their children deserve the Legislature's consideration:

- Establishment of mandatory training and education requirements for service providers;

- Expansion of program services to counties not funded, especially to rural courts and communities;
- Recognition of these programs as necessary in the continuum of court-based services for parents and children; and
- Identification of adequate resources for these types of program services to meet the increasing demands of the courts and parents struggling with access to visitation disputes.

In addition, the report identifies several programmatic “next steps” in the work to be done to improve the success of the grant program on both national and state levels—in particular, the development of research and program capabilities in order to identify model “best practice” programs that can be replicated.

Introduction

Each year, more than 1.5 million children—nearly 2.5 percent of all U.S. children—undergo the painful experience of having their parents separate or divorce.⁵ One of the most devastating potential impacts a divorce or separation can have on a child is the loss of contact with the noncustodial parent. In the National Survey of Families and Households, nearly a third of the children surveyed whose parents had divorced or separated in the preceding year had seen the noncustodial parent only once or not at all in that year, and only one in four averaged weekly contact.⁶

Recent increases in the number of children born to unmarried mothers have also significantly increased the ranks of noncustodial parents. According to the 1990 U.S. Census data, California has 2,178,600 children under 18 living in single-parent households.⁷ In the National Survey of Families and Households, nearly half the children born to unmarried mothers had seen their fathers only once or not at all in the preceding year.⁸ These trends signal negative consequences for the overall well-being of children who grow up in single-parent families.

The policy of the State of California is to ensure:

that the health, safety, and welfare of children are the court’s primary concern in determining the best interest of children when making any orders regarding custody and visitation, and that minor children have “frequent and continuing contact” with both parents after the parents have separated, divorced, or ended their relationship except where the contact would not be in the best interest of the child.⁹ When the policies of “best interest of the child” and “frequent and continuing contact” are in conflict, the court’s order for custody and visitation shall be made in a manner that

⁵ S. Bianchi and E. McArthur, *Family Disruption and Economic Hardship: The Short-Run Picture for Children*, Current Population Reports Series P-70, No. 23 (Washington, D.C.: U.S. Bureau of the Census, GPO, 1991); N. Zill and C. W. Nord, *Running in Place: How American Families Are Faring in a Changing Economy and an Individualistic Society* (Washington, D.C.: Child Trends, 1994).

⁶ J. A. Seltzer, “Relationships Between Fathers and Children Who Live Apart: The Father’s Role After Separation” (1991) 53(1) *Journal of Marriage and the Family* 79–101.

⁷ This statistical representation is based on the 1990 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 Program for the five-year grant period.

⁸ J. A. Seltzer, “Relationships Between Fathers and Children Who Live Apart: The Father’s Role After Separation” (1991) 53(1) *Journal of Marriage and the Family* 79–101.

⁹ Fam. Code, § 3020(a) and (b).

ensures the health, safety, and welfare of the child and the safety of all family members.¹⁰

In 1996 the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) embodied a comprehensive new “welfare reform” plan. With this legislation, Congress has attempted to improve the relationships and connections between custody and visitation arrangements, child support payments, noncustodial parent involvement, and the child’s well-being. In an effort to promote responsibility and increase noncustodial parents’ involvement in their children’s lives, Congress created grants to help states establish programs that support and facilitate noncustodial parents’ visitation with and access to their children.¹¹

This report, pursuant to Family Code section 3204(d), provides the Legislature with details on the programs funded under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents (hereinafter called the Access to Visitation Grant Program). It examines the extent to which those programs have achieved the goal of promoting and encouraging healthy parent-and-child relationships while ensuring the health, safety, and welfare of the children. In addition, it describes the extent to which the scope and availability of support services to families with children in family courts have been expanded.

Background

The Judicial Council is charged with administering and distributing federal Child Access and Visitation Grant Program funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.¹² These grants, established under section 391 of PRWORA, enable states to establish and administer programs that support and facilitate noncustodial parents’ access to and visitation of their children by means of activities including 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.¹³ State funding allocations are based on the number of single-parent households. California reported 2,178,600 single-family households with children and therefore receives the maximum amount of federal funds (approximately \$1 million).¹⁴

¹⁰ Fam. Code, § 3020(c).

¹¹ 42 U.S.C. 669B.

¹² Fam. Code, § 3204(a).

¹³ 110 Stat. 2258.

¹⁴ See footnotes 4 and 7.

Program Administration

During the first four years of funding for the Access to Visitation Grant Program, the California Department of Social Services (CDSS) was the lead agency and applicant for the federal grant funds, and an advisory group was convened as instructed by Family Code section 10101.¹⁵ At the request of the Access to Visitation Advisory Group and CDSS, the Judicial Council was charged with the administration of the grant funds and entered into an interagency agreement with CDSS.

In 1999 Assembly Bill 673 (Honda) (Stats. 1999, ch. 1004) enacted Family Code sections 3201–3204, which charged the Judicial Council with overall responsibility for administering the grant funds. This legislation also repealed the Friend of the Court Act (Fam. Code, §§ 10100–10102).

The Access to Visitation Grant Program receives direction and guidance from the Judicial Council’s Executive and Planning Committee, the council’s Family and Juvenile Law Advisory Committee, and the Legislature. The council delegated its oversight responsibility to the Executive and Planning Committee. The Administrative Office of the Courts’ Center for Families, Children & the Courts (CFCC) has the primary responsibility for administering the program.

Grant Topics

Although other activities are eligible for funding under the federal statute, funding for the state of California is limited by statute to the following three types of programs:

- ❑ Supervised visitation and exchange services;
- ❑ Education about protecting children during family disruption;¹⁶ and
- ❑ Group counseling services for parents and children.

An additional statutory requirement is that all supervised visitation and exchange programs receiving access to visitation grant funds must comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation as set forth in section 26.2 of the California Standards of Judicial

¹⁵ The Access to Visitation Advisory Group was composed of representatives from the Judicial Council, the Administrative Office of the Courts, the Family and Juvenile Law Advisory Committee, the Legislature, the State Bar of California, public agencies, and other advocacy groups.

¹⁶ The term *parent education* is used as a synonym for “education about protecting children during family disruption.”

Administration.¹⁷ In addition, when supervised visitation and exchange services are offered, information must be provided to the parties about the circumstances under which these services are made available (i.e., court order).

Pursuant to Family Code section 3201(b), 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. Group counseling services under the grant may include services for children as well as for parents or guardians involved in child custody or visitation disputes, *regardless of marital status*.

Program Goals

As mandated by Congress, the goal of the federal Child Access and Visitation Grant Program is to remove the barriers to and increase the opportunities for biological parents who are not living in the same household as their children to become actively involved in their children's lives.¹⁸ To this end, the goals of California's Access to Visitation Grant Program are to enable parents and children to participate in supervised visitation, education, and group counseling programs—*irrespective of marital status and of whether or not the parties are currently living separately on a permanent or temporary basis*¹⁹—and to promote and encourage healthy relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of the child.²⁰

Promotion and Encouragement of Healthy Parent-and-Child Relationships

In the year 2000, there were 70.4 million children in the United States. This number is projected to increase to 77.2 million in 2020.²¹ Increases in births to unmarried women are among the many changes in American society that have affected family structure and the economic security of children.²² Divorced and never-married fathers' relationships with, commitment to, and involvement with their biological children have become more important than ever. The increasing numbers of cases requiring court orders for supervised visitation and mandatory parent education have contributed to the demands from many parents and the courts for program services. Services supported by access to visitation grants have

¹⁷ Fam. Code, § 3202(a).

¹⁸ Child Access and Visitation Grants: State Profiles Information Memorandum.

¹⁹ Fam. Code, § 3203, attached at p. 22.

²⁰ Fam. Code, § 3204(d), attached at p. 23.

²¹ U.S. Census Bureau, *Population Estimates and Projections: America's Children 2001*, Part I: Population and Family Characteristics.

²² U.S. Census Bureau, *Births to Unmarried Women: America's Children 2001*, Part I: Population and Family Characteristics.

achieved the goals of promoting and encouraging healthy parent-and-child relationships by assisting families and children with the transitional phases of separation and divorce so that parents and children do not lose contact with each other.

When safe visitation options are not available or not affordable for the parents, children may be allowed to spend “unsupervised” time with a parent in a situation where there are allegations of or a history of domestic violence, substance abuse, or child (sexual) abuse or neglect, and are placed at risk of further abuse or abduction. Supervised visitation and exchange services provided by trained professional providers foster a neutral, safe, nurturing environment for visitation contact and thus afford a bridge to “normalize” visitation for families. The programs offering these services directly promote and encourage healthy parent-and-child relationships by improving parents’ compliance with court orders; facilitating reunification of noncustodial parents and their children; and providing safe havens to reduce the emotional trauma to children caught in the middle of divorce, domestic violence, or other high-conflict family circumstances. The continuation of the parent-and-child relationship and the assurance of safety for both parents and children during visitation must be preconditions for visitation services, and the best interest of the child must remain the paramount consideration.

Parent education programs and group counseling services, have allowed parents opportunities to learn how to put parenting agreements into effect which promote and encourage the best interest of the children [and] help parents to develop an understanding of how divorce and separation affect their children and what they can do to help, recognize and deal more effectively with the emotional consequences of separation and divorce, and learn to communicate with their children’s other parent. These programs have helped children learn to ‘identify and communicate feelings experienced when parents separate or divorce, talk about the changes in the family, understand the basic concept about the legal process of separation and divorce and custody decision-making, and utilize constructive methods for dealing with difficult situations.’²³

The grant programs are accomplishing the goal of promoting and encouraging healthy parent-and-child relationships by protecting the right of noncustodial parents to interact with their children in a safe, protected setting and by teaching parents to parent cooperatively, resolve their custody and visitation disputes, and accept their mutual responsibility for the best interest of their children.

²³ Shasta Cascade Kids’ Turn program brochure.

Programs Funded for Fiscal Years 1997–1998 Through 2001–2002

Each year, beginning in 1997, the federal Office of Child Support Enforcement has allocated a total of approximately \$10 million to states to support activities that establish or facilitate noncustodial parents' access to and visitation with their children. The Judicial Council is required to annually apply for the federal grant funds and award funding to administrative superior courts throughout California.

All family courts throughout California are eligible to apply for and receive the access to visitation grant funds through a competitive request-for-proposals (RFP) grant application process (see Appendix E). Program administrators are encouraged to collaborate with other county courts to maximize the use of resources, with one court acting as lead agency or administering court. The family law division of the superior court is required to administer the program. The Access to Visitation Advisory Group intended that the funds be used for services that can be consolidated or coordinated with existing family services. Subject to the availability of federal funding, the grant funds may be used to expand or augment existing programs, incorporated in existing family court services or programs, or subcontracted to nonprofit agencies.

Each year, the funding requested by the courts and the number of grant proposals submitted have far exceeded available federal funds. The total funding requested for five years was \$8,439,071. The total amount of grant funds awarded to the administrative superior courts throughout California was \$4,304,943. The total federal funds received for the five-year grant period were \$5,191,003. For federal fiscal years 1997–1999 the Judicial Council received \$1,113,750, and for fiscal years 1999–2000 and 2000–2001 the council received \$987,501 each year.

To encourage proposals that could be fully funded, requests were capped for each grant cycle. A list of the administrative superior courts that received grant funding, along with their subcontractors (nonprofit agencies) and program summaries, is attached to this report as Appendix B. Figure 1 shows the range of grant awards and the funding allocations for each grant cycle.

Figure 1. Range of Grant Awards and Funding Allocations

Grant Fiscal Year	Federal Grant Allocation to the State	Range of RFP Grants	RFP Grant Awards to the Court	Counties Represented
1997–1998	\$1,113,750	\$10,000–\$300,000 <i>(grant awards ranged from \$13,000 to \$200,000)</i>	14	37
1998–1999	\$1,113,750	\$80,000–\$300,000 <i>(grant awards ranged from \$45,000 to \$162,000)</i>	8	25
1999–2000	\$987,501	\$30,00–\$200,000 <i>(grant awards ranged from \$16,160 to 96,000)</i>	10	31
2000–2001	\$987,501	\$30,000–\$90,000 <i>(grant awards ranged from \$18,140 to \$81,000)</i>	10	30
2001–2002	\$987,501	\$30,000–\$80,000 <i>(grant awards ranged from \$30,000 to \$80,000)</i>	14	28

For the 1997–1998 and 1998–1999 grant cycle, the Judicial Council received 14 applications representing 37 counties. All of the proposals submitted for fiscal year 1997–1998 were funded; grantees had less than three months to spend their funds. Eight courts representing 25 counties received funding for fiscal year 1998–1999. Funding for the first two years was used predominantly for startup and program development. Many of the programs involved multiple courts, counties, and community-based organizations.

For fiscal year 1999–2000 the Judicial Council received 12 grant applications representing 39 counties; for fiscal year 2000–2001 the council received 12 grant applications representing 33 counties; and for fiscal year 2001–2002 the council

Review Process and Selection Criteria

Family Code section 3204(b)(2) requires the Judicial Council to approve as many requests for proposals as possible while assuring that each proposal “would provide beneficial services and satisfy the overall goals of the program,”²⁴ and to give special consideration for funding to programs that “coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.”²⁵

Because the funds requested each year far exceed the amount available to award, and because the demand for the types of services funded under the program is high, the methodology for grant review and selection was designed to maximize the availability of services and resources that meet the funding and evaluation criteria set forth in Family Code section 3204(b)(2).

The Family and Juvenile Law Advisory Committee established the Family Law Grants Subcommittee to ensure that the RFP grant applications were subject to a fair and unbiased selection process during the first three years of the grant program. In January 2000 AB 673 became effective; it provided guidance for the administration of the grant program as well as parameters for evaluating the proposals. In addition, the Family Law Grants Subcommittee requested the establishment of clear, measurable indicators for the evaluation and scoring of grant proposals. To address this concern and the new statutory mandate, the Family Law Subcommittee of the Family and Juvenile Law Advisory Committee approved the establishment of a Selection Review Committee (SRC) to evaluate and score proposals using the criteria set forth by statute.²⁶ This new process was utilized for fiscal year 2001–2002 grantees.

The SRC²⁷ devised a three-tier screening system. All of the grant proposals were evaluated and scored comparatively with a system of points. Each criterion that was included in a proposal’s narrative section had a maximum point value. (In the following list, asterisks denote the criteria set forth by statute.) SRC members utilized both a reviewer rating sheet, with clear, quantifiable measures for evaluation and scoring of the proposals, and a rating scale to tabulate the applicant’s response to each question. The SRC’s criteria follow.

1. Statement of need;

²⁴ Fam. Code, § 3204(b)(2), attached at p. 23.

²⁵ Fam. Code, § 3204(b)(3), attached at p. 23.

²⁶ Fam. Code, § 3204(b)(2).

²⁷ The Selection Review Committee consisted of experts representing professional staff at the Judicial Council, the Administrative Office of the Courts, and the Center for Families, Children & the Courts; members of the Family and Juvenile Law Advisory Committee; and members of other Judicial Council advisory committees.

2. *Promotion and encouragement of healthy relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of the children;
3. *Number of counties or regions participating;
4. *Availability of services to a broad population of parties;
5. Other program information;
6. *Coordination with other community services;
7. *Hours of service delivery;
8. Program evaluation;
9. *Ability to expand existing services; and
- 10.*Cost-effectiveness.

The SRC had the discretion to consider two more factors in its funding decisions:

- Geographically located services and
- The applicant's history of fiscal management and program administration.

At least five SRC reviewers read and evaluated each grant proposal. In order to fund the proposals with the greatest merit and feasibility, reviewers were asked to nominate no more than five proposals that they recommended for full funding. The results of this process were consistent with the ratings on the evaluation criteria and showed a strong consensus among the reviewers. For each proposal they recommended either that the program receive the full amount requested, or that it be funded but not at the full amount requested, or that it have its requested funding reduced by an amount equal to the proportion of funds left unspent in previous years.

After reviewing and ranking proposals, the SRC made funding recommendations to the Family and Juvenile Law Advisory Committee for its review, approval, and submission to the council's Executive and Planning Committee. The latter committee is responsible on behalf of the council, for determining the final number and amounts of grants.

The most successful applications provided complete, concise information; were in full compliance with the Uniform Standards of Practice for Providers of Supervised Visitation (Cal. Standards Jud. Admin., § 26.2); had high scores on the legislative criteria; demonstrated strong program design and were well managed; and included multiple participating counties or regions.

Despite the advent of this program, available funding is insufficient to meet the needs of the counties and of parents struggling with custody and visitation issues. Each year, the Judicial Council receives requests for funds that far exceed the amount available to award.

Program Accomplishments

With the support of federal grant funding, free and low-cost sliding-scale services are now available in approximately 30 of the 58 counties in California. Prior to federal grant funds' becoming available, access to supervised visitation and parent education programs in the courts and in communities was very sparse, with little or no public or private funding, or was nonexistent.

Since the inception of the grant program, counties have developed successful informational products and educational materials (e.g., brochures, pamphlets, videos, training curricula, and a mobile multimedia parent education program) to assist courts, professional practitioners, and pro per litigants.²⁸ Some brochures are available in Spanish, Vietnamese, Russian, Tagalog, Armenian, Persian, Chinese, and Korean. In addition, multivariate models of program service delivery were implemented to meet the diverse and unique needs of courts and county communities.

Some of these innovative approaches to program services are:

- ❑ Supervised visitation under the auspices of Court Appointed Special Advocates organizations (Sacramento, Merced, San Luis Obispo, and Humboldt Counties); collaboration and partnership with a faith-based organization (Yolo County); and collaborations with a legal service provider (Sonoma County), with domestic violence agencies (Los Angeles, Monterey, Orange, Placer, Santa Barbara, Santa Clara, Santa Cruz, Tehama, Ventura, and Yolo Counties), with community colleges (Contra Costa, Sacramento, Shasta, and Trinity Counties), with a YWCA agency (San Bernardino County), and in a hospital setting (San Francisco County).

²⁸ Appendix D is a list of resources and products developed with the grant funds.

- Parent education conducted in partnership with a family law facilitator’s office (Santa Barbara County); partnership with a Kids’ Turn program (San Diego, Napa, and Shasta counties); and development of a cultural competency–based program (Mendocino and Ventura Counties).
- Development of a “child custody program” between the court and the county sheriff’s department to respond to violations of supervised visitation court orders (Fresno County).

Reporting Requirements—Participant Data

Each year, the demand for these types of program services and the number of families anticipated to be served have increased tremendously. Figure 3 shows the numbers of program participants throughout the grant period. The most widely used service provided through access to visitation grants has been supervised visitation and exchange.

Figure 3. Numbers of Participants

	Fiscal Year 1997–1998**	Fiscal Year 1998–1999	Fiscal Year 1999–2000	Fiscal Year 2000–2001***
Group counseling	135	189	469	1,227
Parent education	368	1,107	829	2,157
Monitored visitation*	172	12	69	0
Supervised visitation	735	2,170	5,464	4,248
Therapeutic visitation	33	148	251	289
Neutral drop-off/pickup	118	720	1,136	2,100
Total number of participants	1611	5005	8218	10,021

Number of participants in figure 3 includes data collected on fathers, mothers, and children.

**Monitored visitation* is a term used on the federal OMB survey as part of data collection requirements.

**The number of participants only included fathers and mothers and not children. The survey instrument was changed for fiscal years 1998–1999 through 2000–2001.

***At the time of production of this report, not all of the participant data from the grantees had been collected and analyzed for year 4. The data for fiscal year 2000–2001 represent only 6 of 13 applicant courts.

Under federal law, each state receiving Child Access and Visitation Program grants is required to annually “monitor, evaluate, and report on such programs in accordance with regulations prescribed by an OMB-approved survey.”²⁹ The data in the report must include (a) the identification and geographic locations of service providers, (b) the type of child access services provided, (c) the number of persons served, and (d) the socioeconomic characteristics of the persons served. In

²⁹ 45 C.F.R. 303.

addition, each grantee is required, under the terms and conditions of the standard contract agreement, to submit a quarterly progress report on services and participant data.

Alternative Actions for Future Consideration

While supervised visitation and exchange services, parent education, and counseling programs are available in many counties, the fees and the limited access to these services still leave many families unable to participate. Although we are making no specific recommendations at this time, the following actions to improve parents' access to and visitation with their children deserve the Legislature's considerations:

- ❑ Establishment of mandatory training and education requirements for service providers;
- ❑ Expansion of program services to counties not funded, especially to rural courts and communities;
- ❑ Recognition of these programs as necessary in the continuum of court-based services for parents and children; and
- ❑ Identification of adequate resources for these types of program services to meet the increasing demands of the courts and parents struggling with access to visitation disputes.

Mandatory Training and Education Requirements for Service Providers. There are no statutory guidelines or mandatory standards that govern training or education for supervised visitation or parent education providers. Section 26.2(c)(4) of the California Standards of Judicial Administration provides that “professional and therapeutic providers” should receive additional training on the subject provisions outlined in the statute but does not include training requirements for nonprofessional supervised visitation providers. However, training and education opportunities in the fields of practice related to supervised visitation and parent education do not exist in the state. In addition, there is no certification process or regulatory agency that governs the practices of supervised visitation providers. Given the great number of highly dysfunctional families and the incidences of family violence, substance abuse, and child abuse and neglect, continuing education and training that will enable these professionals to meet the standards set forth in section 26.2 are needed to ensure high-quality visitation services. Such training and education provide assurances of court-ordered services to the court, accountability for providers, and protection for children and for noncustodial and custodial parents. Service providers and courts greatly need comprehensive written training materials and information to use as resources.

Expansion of Program Services to Counties Not Funded. Current funds are not sufficient to establish and implement supervised visitation and parent education programs in counties across the state. This resource shortage leaves 28 counties without any program services for parents and children. For rural and small counties not awarded grant funding, the absence of programs creates a catastrophic burden and hardship for parents who lose contact with their children, as well as for courts who must choose either to not order visitation contact, to permit unsupervised visitation, or to rely upon nonprofessional providers (relatives or friends). Nonprofessional providers often lack appropriate training and skills to protect children and their parents. In fact, the Uniform Standards of Practice for Providers of Supervised Visitation were created and adopted by the Judicial Council in 1997 in response to courts' and practitioners' concerns about too-frequent reliance on mutual friends or relatives for supervised visits and the critical need for high-quality visitation services. Mandatory training requirements for nonprofessional supervised visitation providers are nonexistent. We raise this grave concern about training and education for all providers for future legislative consideration.

The initial years of the Access to Visitation Grant Program have demonstrated benefits for parents and courts alike. Funding for this program has provided high-quality, accessible, and client-centered services that constitute a critical resource for families struggling to create nurturing and healthy environments for children. Without additional funding to implement needed services or expand existing services, many courts and communities, and especially noncustodial parents, will remain without access to or visitation with their children.

Recognition of These Programs as Necessary in the Continuum of Court-Based Services. Families making a transition through separation and divorce often require a multiplicity of intervention services. A continuum of services for families is essential to the psychological and social well-being of children and the maintenance of healthy parent-and-child relationships. Support services need to be individualized and highly coordinated on national, state, and county levels to meet the diverse needs of parents and children. Mandatory implementation of the Access to Visitation Grant Program services as part of the continuum of “wraparound” services (i.e., supervised visitation, parent education, counseling, case management, treatment, and legal services) is important for stabilizing family dysfunctions, helping families learn to co-parent more cooperatively, and helping courts improve their service delivery.

An overall systematic approach to integrating court-based and community-based resources and services for parents and children cycling through the family court system should be explored. It will ultimately result in the reduction of public

complaints, ensure compliance with court orders, and lessen recidivism in custody and visitation disputes.

Identification of Adequate Funding Resources. The most significant challenge expressed by courts, grantees, and subcontractors is the lack of available funding. In many counties a critical scarcity of available, safe, and affordable services leaves numerous families without access to services. Presently, no state funds are specifically designated for court-ordered supervised visitation and exchange services or for parent education programs. Funding for group counseling services (and therapeutic visitation) for parents and children has been provided through mental health clinics and covered under private medical insurance.

The federal child access and visitation grant funds have been used to provide basic services to many parents who need these services to meet the emotional, psychosocial, and financial needs of their children. However, the funds have served primarily as seed money to develop and assist courts throughout the state. The Access to Visitation Program grant is not a continuation grant. Each year, courts must apply for new funding. The result is that federal funding for some courts has been renewed, enabling the continuation of existing program services, while a lack of supplemental funding for others has meant that programs could not operate and often dissolved. Program growth and sustainability have been policy goals of the program. Applicants are required to develop funding development plans for each fiscal year, including strategies to supplement federal funds with other sources of funding such as in-kind contributions and gifts, individual donations, private and community foundation money, client fees, donations from local businesses and retailers (e.g., toys and equipment), fundraising campaigns, and small state and local grants (e.g., Proposition 10, United Way, and the local county Children and Families Commission). The small state and local grants are minimal grants that are not specific to these types of program services but can be used to cover some of the costs of designing, implementing, or maintaining the program (e.g., labor, materials, equipment, or facility accommodation).

Although most of the access to visitation programs receive some additional funding, stable, consistent, and dependable “annual” private or public funding has not materialized. Additional funding is needed for courts and communities throughout the state to encourage the continuation of existing services; to develop safe, efficient supervised visitation centers and educational programs in counties where none currently exist; to improve the quality of services for parents and children; and to increase access to services for families who currently have access only to private practitioners and agencies not funded under the grant program, with their cost-prohibitive fees. Absent funding, counties will be limited in the numbers of families they can serve; expansion to accessibly located sites will be impossible; the hours of service delivery will remain stagnant; courts will rely on

“nonprofessional supervised visitation providers” or “untrained professionals;” and visitation contact between noncustodial parents and their children will continue to be hampered by long waiting lists and inaccessible, cost-prohibitive program services.

Next Steps

In the fifth year of the Access to Visitation Grant Program, programmatic assessment of the work to be done and the overall success of the grant program on national, state, and local levels depend upon additional funding, greater attention to program evaluation and research to effectively measure outcomes for parents and children, and the identification and utilization of “best practice” programs as models.

Develop Research and Program Evaluation Capabilities. The Access to Visitation Grant Program staff has been working closely with grantees to evaluate how effectively the funded programs are meeting the objective of providing safe access for children to their parents. In addition to measuring frequency of program use, grantee programs are asked to assess their own performance by gathering feedback from users, other service providers, and their communities. This not only provides information about how well the program objectives are being met, but also provides essential data with which to advocate for funding from alternative or supplemental sources. The evaluation system employed uses a program logic model and both qualitative and quantitative data. Feedback from this system is used to identify program strengths and weaknesses and improve overall services in the target priority areas. Evaluation strategies and research on measuring parent and child outcomes are greatly needed to support the Access to Visitation Grant Program services and to inform policymakers on significant related issues.

Use Best Practice Programs as Models. Many of the supervised visitation and parent education programs established with the federal grant funds have become “best practice” programs. The numerous challenges and successes of various courts and subcontractors in developing and maintaining their program services can make invaluable contributions to the overall improvement of court proceedings involving families and children. Knowledge of existing resources and familiarity with common experiences would significantly assist “new” courts and counties struggling with program design and implementation issues. Best practice programs can be used as model pilot projects on a national and statewide basis to exemplify well-designed programs that demonstrate strong administrative expertise, solid fiscal administration, and integration of court and community in service delivery. In addition, these programs can help reduce potential startup risks associated with unspent funds, prevent funds’ being spent on implementation

and program design rather than on direct services, and minimize overhead costs associated with staff training.

Conclusion

This report provides the Legislature with information pertaining to the programs funded through the Access to Visitation Grant Program and their attainment of the goal of promoting and encouraging healthy parent-and-child relationships while ensuring the health, safety, and welfare of the children. Several important actions to improve and increase noncustodial parents' access to and visitation with their children have been identified as deserving the legislature's consideration.

The greatest success of the grant program has been the galvanizing effect of the grantees' expansion, in scope and availability, of statewide program services for families with children who are or have been in family courts, as well as the improved quality of relationships between noncustodial parents or joint custodial parents and their children. However, the lack of available, affordable services and the absence of any increase in federal funding have resulted in severe cuts in the yearly requested funding. These cuts have made it impossible for the courts and programs to provide the services needed and precludes adequate quality assurances for programs that are essential to the well-being of California's children and families.

The AOC's access to visitation staff looks forward to enhancing these programs' services statewide and expanding this valuable grant program by working closely with the Legislature; the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement; the Judicial Council; the council's Executive and Planning Committee; and the Family and Juvenile Law Advisory Committee on the issues and challenges discussed in this report.

For additional copies or more information about this report, please call the Center for Families, Children & the Courts at 415-865-7739, or write to:

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