



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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March 1, 2010

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Legislative Counsel  
State of California  
State Capitol, Suite 3021  
Sacramento, California 95814

Mr. Gregory P. Schmidt  
Secretary of the Senate  
State Capitol, Room 400  
Sacramento, California 95814

Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Re: *California's Access to Visitation Grant Program for Fiscal Year 2009–2010—Report to the California Legislature*

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Attached is the Judicial Council report required under Family Code section 3204(d) that discusses the Access to Visitation Grant programs funded in California and whether and to what extent those programs are achieving their goals. Such goals include promoting and encouraging healthy parent-and-child relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of children.

March 1, 2010

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If you have any questions related to this report, please contact Diane Nunn, Director of the Administrative Office of the Courts' Center for Families, Children & the Courts, at 415-865-7689.

Sincerely,

William C. Vickrey  
Administrative Director of the Courts

WCV/SLB/yk

Attachments

cc: Commissioner Vicki Turetsky, U.S. Department of Health and Human Services,  
Administration for Children and Families, Office of Child Support Enforcement  
Traci Pogue, Program Specialist, Child Access and Visitation Grant Program, U.S.  
Department of Health and Human Services, Administration for Children and Families,  
Office of Child Support Enforcement  
Members of the Judicial Council  
Members of the Judicial Council Family and Juvenile Law Advisory Committee  
Ronald G. Overholt, Chief Deputy Director, Administrative Office of the Courts (AOC)  
AOC Regional Administrative Directors  
Curtis L. Child, Director, AOC Office of Governmental Affairs  
Mary M. Roberts, General Counsel, AOC Office of the General Counsel  
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Michael Wright, Supervising Attorney, AOC Center for Families, Children & the Courts  
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Governmental Affairs  
Shelly La Botte, Access to Visitation Grant Coordinator, AOC Center for Families, Children  
& the Courts  
Judicial Administration Library

**California's Access to Visitation Grant Program  
(Fiscal Year 2009–2010)  
Summary of Report to Legislature**

**Subject**

The Judicial Council is required under Family Code section 3204(d) to report to the Legislature on Access to Visitation Grant Programs funded in California and whether and to what extent those programs are achieving their goals. Such goals include promoting and encouraging healthy parent-child relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of children.

**Report Summary**

The Judicial Council is charged with administering and distributing California's share of 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. These grants are established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2258). Beginning in 1997, Congress authorized \$10 million in discretionary block grants as part of PRWORA to enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. Funding allocations to the states are based on the number of single-parent households.

The congressional goal of the Child Access and Visitation Grant Program is 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." Under the federal statute, Child Access and Visitation Grant funds may be used to support and facilitate noncustodial parents' access to and visitation with 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. However, use of the funds in California is limited by state statute to three types of programs: supervised visitation and exchange services, parent education, and group counseling services for parents and children.

The report provides the Legislature with information on the programs funded in fiscal year 2009–2010 under California's Access to Visitation Grant Program. The report also includes information on families served, number of participants, and hours of service delivery administered during the grant funding period, as well as an update on the Access to Visitation Grant Program strategic planning process now under way.

The report contains no formal recommendations.



# California's Access to Visitation Grant Program (Fiscal Year 2009–2010)

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REPORT TO THE CALIFORNIA LEGISLATURE

MARCH 2010



ADMINISTRATIVE OFFICE  
OF THE COURTS

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CENTER FOR FAMILIES, CHILDREN  
& THE COURTS



# California's Access to Visitation Grant Program (Fiscal Year 2009–2010)

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REPORT TO THE CALIFORNIA LEGISLATURE

MARCH 2010



ADMINISTRATIVE OFFICE  
OF THE COURTS

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CENTER FOR FAMILIES, CHILDREN  
& THE COURTS

Judicial Council of California  
Administrative Office of the Courts  
Center for Families, Children & the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

This report has been prepared and submitted to the California Legislature under Family Code section 3204(d).

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## Background

The Judicial Council is charged with administering and distributing California's share of 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.<sup>2</sup> These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. 104–193 (Aug. 22, 1996) 110 Stat. 2258), enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children.

## Federal and State Program Goals

The congressional goal of the Child Access and Visitation Grant Program is to “remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become more involved in their children lives.”<sup>3</sup> Under the federal statute, Child Access and Visitation Grant funds may be used to

support and facilitate noncustodial parents' access to and visitation [with] 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 pick-up), and development of guidelines for visitation and alternative custody arrangements.<sup>4</sup>

The use of the funds in California, however, is limited by state statute to three types of programs:<sup>5</sup>

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

The primary 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 the parents' marital status and whether the parties are currently living separately permanently or temporarily<sup>6</sup>—and to promote and encourage healthy relationships between noncustodial or joint custodial parents and their children while ensuring the children's health, safety, and welfare.<sup>7</sup> The overarching policy goal of the grant program has been to ensure accessible and available services

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<sup>2</sup> *Id.* at § 3204(a).

<sup>3</sup> 42 U.S.C. § 669b.

<sup>4</sup> *Ibid.*

<sup>5</sup> Fam. Code, § 3204(b)(1).

<sup>6</sup> *Id.* at § 3203.

<sup>7</sup> *Id.* at § 3204(d).

statewide for low-income families with children whose custody and visitation issues are now or have been before the family courts.

### **Funding Allocation to States**

Funding allocations to states are based on the numbers of single-parent households.<sup>8</sup> California receives the maximum amount of eligible funds (approximately \$943,000), 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., by seeking or leveraging private sector resources and foundation support).

The funding period for fiscal year 2009–2010 began on April 1, 2009, and ends on March 31, 2010. The federal funding allocation to the state of California for fiscal year 2009–2010 was \$942,497. In March 2009, the Judicial Council approved grant funding allocation and distribution of approximately \$772,000 statewide<sup>9</sup> for fiscal year 2009–2010 to the superior courts listed in Appendix B of this report.

### **Grant Funding Eligibility**

Family courts throughout California are eligible to apply for and receive Access to Visitation Grant funds, which are 100 percent federal funds. Under the state’s allocation process, the grants are awarded to the superior courts through a statewide request-for-proposals grant application procedure. The family law divisions of the superior courts are required to administer the programs. Applicants are strongly encouraged to involve multiple courts and counties in their proposed programs and to designate one court as the lead or administering court. Service provider agencies desiring to participate are not allowed to apply directly for these grant funds but must do so as part of that court’s Access to Visitation Grant application. Contract agreements are made only with the designated superior court.

### **Eligible Grant Recipient of Services**

The recipients of Access to Visitation grant-related services are low-income separated, separating, divorced, or unmarried parents and their children who are involved in custody

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<sup>8</sup> The statistical data used to determine the formulaic distribution of funding (i.e., number of single-parent households) to the states is based on the U.S. Census.

<sup>9</sup> The difference between the federal funding allocation of \$942,497 and the \$772,000 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection. Funds have been allocated for these statewide services since inception of the grant program in 1997.

and visitation proceedings under the Family Code. Grant funds can be used only to serve noncustodial parents (i.e., noncustodial fathers and/or noncustodial mothers).<sup>10</sup>

### **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 Judicial Council in fiscal year 2003–2004. The following are the maximum grant amounts for which courts could apply:

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

### **Midyear Reallocation**

Under the Child Access to Visitation Grant Program, the federal Office of Child Support Enforcement is required to monitor and track whether states have spent their full grant award allocations. Under federal guidelines, unused funds do not roll over to the next fiscal year but revert to the federal government. To ensure that all state grant funds would be spent, the program instituted a midyear reallocation process in fiscal years 2003–2004 and 2004–2005. This process allows the state and applicant courts to assess spending to determine whether potential funds will be redistributed among the grantees.

### **Program Administration**

During fiscal years 1997–1998 through 2000–2001, 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 on an interagency agreement between CDSS and the Judicial Council. Beginning in fiscal year 2000–2001, the Judicial Council was charged with overall responsibility for administering Access to Visitation Grant Program funds under Family Code section 3204(a).

In addition to the statutory provisions governing the administration of the grant funds, the grant program receives guidance from the Judicial Council's Executive and Planning Committee and Family and Juvenile Law Advisory Committee and the federal Administration for Children and Families. The Administrative Office of the Courts' Center for Families, Children & the Courts (CFCC) has primary responsibility for administering and managing the grant program.

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<sup>10</sup> Supervised visitation and exchange services are for noncustodial parents (not custodial parents, grandparents, distant relatives, etc.). According to the federal goal of the grant program, the Child Access and Visitation Grant Program is intended to increase opportunities for *biological parents who are not living in the same household as their children* to become involved in their children's lives.

## **Grant Service Areas**

Family Code section 3204(b)(1) provides that the grant funds shall be used to fund supervised visitation and exchange services, education about protecting children during family disruption, and group counseling services for parents and children.

For purposes of California's Access to Visitation Grant Program, "supervised visitation" is defined as "visitation between a noncustodial party and one or more children in the presence of a neutral third person." "Supervised exchange service" is defined as "the supervision of the transfer of the child from one parent to another for the purpose of visitation."<sup>11</sup>

Under Family Code section 3202(a), all supervised visitation and exchange programs must comply with all requirements of the uniform standards of practice for providers of supervised visitation set forth in standard 5.20 of the California Standards of Judicial Administration.

California law provides guidance on educational program activities related to protecting children during family disruption. This guidance includes education on parenting skills and the impact of parental conflict on children, ways to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.<sup>12</sup>

Group counseling services under the grant may include services for children as well as services for parents involved in child custody or visitation disputes regardless of marital status. The criteria for what constitutes an "eligible provider" for the purpose of providing supervised visitation and exchange services, education, and group counseling are outlined in the state statute.<sup>13</sup>

## **Promotion and Encouragement of Healthy Parent-Child Relationships**

California's Access to Visitation Grant Program has been instrumental in providing opportunities for noncustodial parents to establish healthy and positive relationships with their children. The grant-related services promote and encourage healthy parent-child relationships by improving parents' compliance with court orders, facilitating contact between noncustodial parents and their children, teaching parents effective conflict resolution and communication skills for problem solving, and allowing opportunities for noncustodial parents and their children to maintain continued contact through safe and secure supervised visitation and exchange services administered by trained skilled professionals.

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<sup>11</sup> Judicial Council of Cal., Admin. Off. of Cts., *Data Collection and Reporting System Handbook, Access to Visitation Grant Program*, version 2 (2004), p. F-9.

<sup>12</sup> Fam. Code, § 3201(b).

<sup>13</sup> *Id.* at § 3202(b)(2).



The grant further supports the goals of access to visitation program services by:

- Increasing opportunities for noncustodial parents to reestablish a relationship with their children;
- Developing positive and effective parenting relationships;
- Establishing centrally located service sites so families have the opportunity to maintain family bonds;
- Providing a structured setting in which the emotional well-being of the child is monitored and potential risks of abuse or violence are not tolerated; and
- Increasing the likelihood of financial support for children (i.e., increased child support payments).

### **Parent Education Programs**

Parent education programs promote and encourage healthy parent-child relationships by allowing parents opportunities to learn how to put parenting agreements into effect that encourage and promote the best interest of their children. The grant service helps parents develop an understanding on how divorce and separation affect their children and what they can do to make the situation easier. These programs also help parents recognize and address more effectively the emotional consequences of separation and divorce and learn techniques and strategies for communicating with the child's other parent.<sup>14</sup> The Access to Visitation parent education programs have also helped children learn to identify and communicate their feelings and experiences about the divorce or separation, talk about changes in the family, understand the basic legal process of separation and divorce and custody decision-making, and use constructive methods for dealing with difficult situations.

Rebuilding and sustaining healthy parent-child relationships and providing opportunities for noncustodial parents to become more involved in their lives of their children, where appropriate, remain the cornerstone of the grant program.

### **Program Monitoring**

According to the federal statute, states are required to annually monitor, evaluate, and report on programs funded through the grant in accordance with regulations prescribed by the Secretary of the Department of Health and Human Services (45 C.F.R. § 303.109 (1997)). California's Access to Visitation Grant Program draws on multiple resources and methods in monitoring grantee programs. These resources include feedback from the courts, clients, community stakeholders, and service providers at the local, regional, and state levels. Monitoring methods include site visits to county-court programs and nonprofit agencies to ensure the programs' compliance with state and federal grant

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<sup>14</sup> Judicial Council of Cal., Admin. Off. of Cts., *California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, The First Five Years* (Mar. 2002), p. 8.

requirements, questionnaires submitted to service providers, focus group and regional meetings (including an annual program administrators meeting and grantee orientation), and data collection and document analysis. Many of the grantees use client feedback surveys and questionnaires to assess the effectiveness of their service delivery.

In addition, all grantees are required to submit quarterly statistical data reports using California's Access to Visitation Grant Program Data Collection and Reporting System. The data collection system complies with state and federal grant reporting requirements. These reports provide a snapshot of the number and demographics of clients served by the program. In addition to the quarterly statistical reports, grantees provide a biannual progress summary report that gives a thorough and accurate account of project activities and progress during the required reporting time period.

Furthermore, California's Access to Visitation Grant Program staff work closely with grantees to evaluate how effectively the funded programs are meeting the objectives of providing safe access for children and their parents. Grant program staff use a computer program logic model for qualitative and quantitative data in system evaluation. Feedback from this system is used to identify program strengths and weaknesses and to improve overall service delivery.

Grant Programs Funded for Fiscal Year 2009–2010

### **RFP Grant Application for Fiscal Year 2009–2010**

In October 2008 the CFCC released a competitive request-for-proposals (RFP) grant application for fiscal year 2009–2010 Access to Visitation funding. The application was limited to continuation programs—courts awarded grant funding during both fiscal years 2007–2008 and 2008–2009.<sup>15</sup>

Grant award funding for fiscal year 2009–2010 was restricted to a single year of funding because California's Access to Visitation Grant Program currently is examining grant-related services and court and client needs. The overarching goal of the strategic planning process is to identify future program directions and develop a road map for more comprehensive service delivery. Access to Visitation Grant funding in the past (i.e., fiscal years 2003–2004 to 2008–2009) has been multiyear funding. The issue of single versus multiyear funding will be revisited by AOC staff in consultation with the Judicial Council's Family and Juvenile Law Advisory Committee upon completion of the strategic planning process.

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<sup>15</sup> Continuation programs were required to consist of the same multicourt or multicounty collaborations and to propose to offer the same program services as funded during fiscal years 2007–2008 and 2008–2009.

## Review Process

The Judicial Council is required to determine the final number and amounts of grants.<sup>16</sup> The council is also required to approve as many requests for funding as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program.<sup>17</sup>

The methodology used to evaluate continuation programs for fiscal year 2009–2010 was consistent with the evaluation criteria set forth in Family Code section 3204(b)(2), that the programs (1) support the goal of reaching 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.

Access to Visitation Grant Data Collection: Program Service Delivery

## Federal and State Grant Reporting Requirements

Under section 469B(e)(3) of the Social Security Act, as added by section 391 of the PRWORA, states are required to monitor, evaluate, and report on programs funded through Child Access and Visitation grants.<sup>18</sup> The purpose of this data requirement is to provide information to Congress on the progress of services provided under the Child Access and Visitation Grant Program, the goal of which is to “support and facilitate noncustodial parents’ access to and visitation with their children.”<sup>19</sup>

Each state is required to collect and submit an annual report including two types of data:

- *Program descriptions*, including service providers and administrators, service area, population served, program goals, referral process, voluntary or mandatory nature of the programs, types of activities, and length and features of the program; and
- *Participant characteristics*, including the number of referrals for each program, the number of participating individuals, and the number of persons who have completed program requirements through authorized activities.<sup>20</sup>

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<sup>16</sup> Fam. Code, § 3204(b)(2).

<sup>17</sup> *Ibid.*

<sup>18</sup> *Child Access and Visitation Grants: State Profiles*, [www.acf.hhs.gov/programs/cse/pol/IM/2001/im-01-03a/](http://www.acf.hhs.gov/programs/cse/pol/IM/2001/im-01-03a/).

<sup>19</sup> *State Child Access Program Survey: Program Reporting Requirements for Participation in the Grants to States for Access to Visitation Program—Description of Projects and Participant Data*, [www.acf.hhs.gov/programs/cse/forms/omb-0970-0204.pdf](http://www.acf.hhs.gov/programs/cse/forms/omb-0970-0204.pdf).

<sup>20</sup> *Ibid.*

Additionally, programs are required to collect data on one mandatory federal outcome measure—increased noncustodial parent’s time with children. This is defined as “an increase in the number of hours, days, weekends, and/or holidays as compared to parenting time prior to the provision of access and visitation services.”<sup>21</sup>

### California’s Access to Visitation Data Collection and Reporting System

The Access to Visitation Grant Program changed its data collection efforts in fiscal year 2003–2004 to provide an automated data collection system that more effectively tracks and collects specific data unique to the program services administered under California’s Access and Visitation Grant Program. Under the new system, the state data collection system now allows comparisons of local programs and services across the state in a uniform, standardized manner. The data collection and reporting system does not require local programs to interpret any of the data elements because each data element is predefined. Most important, the new data system consolidates federal and state grant reporting requirements.

California’s data collection system consists of the following elements:

- A parent feedback survey to measure program outcomes, such as whether participation in the program has led to increased payment of child support by the participating parent;
- Reports on the type of service (for example, supervised visitation, supervised exchange services, parent education, or group counseling) and the number of service delivery hours, sorted by individual, family, visitation site, and county; and
- Frequency reports on data captured by other program survey questions, such as safety or reasons for referral or termination of services.

### **Client Information**

All grant programs are required to collect information from the family before delivery of the grant services. The data collection process begins with the initial entry form. This part of the data collection process enrolls the family in the Access to Visitation Grant Program database. During the intake process, individuals are asked to complete an initial entry form and specify what their relationship is to the child (e.g., mother, father, grandparent, or legal guardian).

For California, the client information is a unique count of the number of custodial and noncustodial parents who received services (direct or otherwise) funded by the grant program. There is no duplication in this number, which means that even if a parent receives multiple services at various times throughout the grant year, he or she is counted

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<sup>21</sup> *Ibid.*

only once under client information. When possible, programs gather this information for both parents. However, for some services (e.g., parent education), only one parent is required to participate or the program has had an interaction with only one parent (perhaps the other parent never showed up for intake or service delivery). In these cases, the programs would be unable to capture or collect the client information or any of the other demographic variables for that parent. For the purpose of the California Access to Visitation Grant Program Data Collection and Reporting System and the data collection requirement, the family is the unit of analysis.

All Access to Visitation Grant Programs must report the following federally required data elements: referral sources, client information, marital status, race/ethnicity, income, service provided, and increased parenting time.

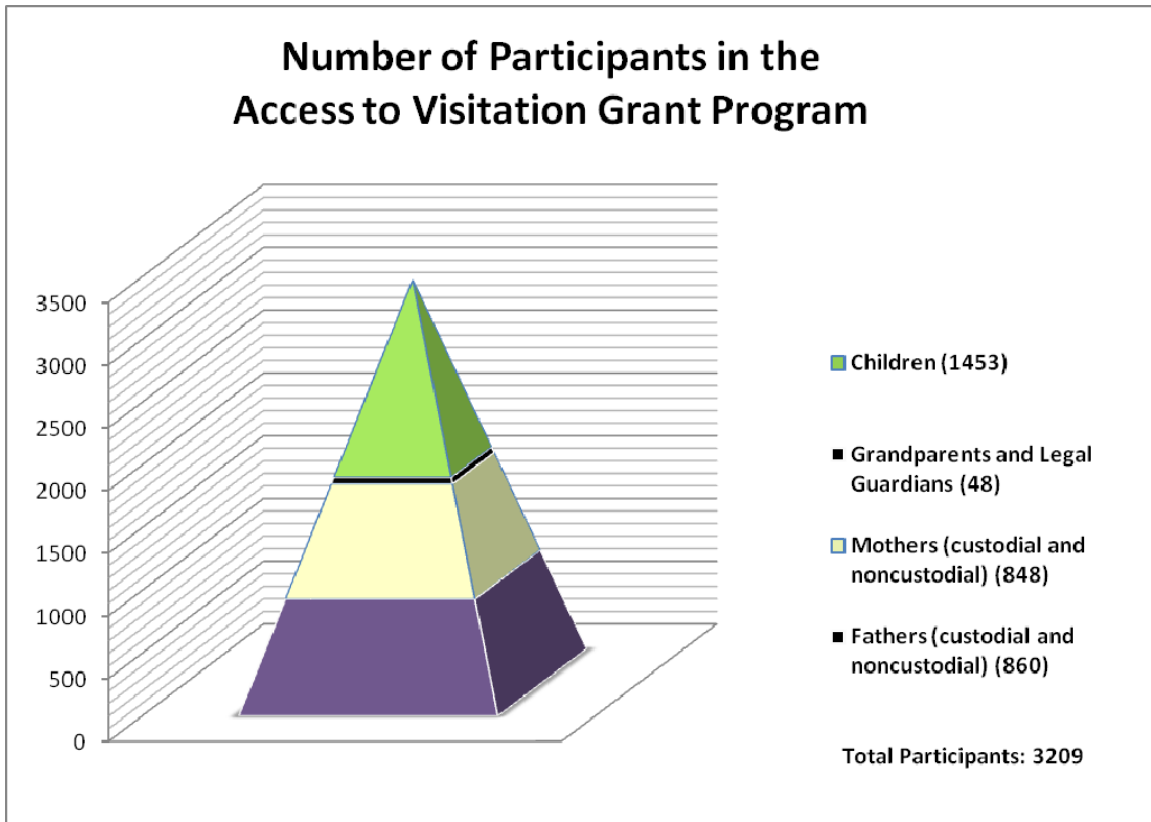
### **Families Served During Fiscal Year 2009–2010**

Funding for California’s Access to Visitation Grant Program is restricted to supervised visitation and exchange services, parent education, and group counseling services. All programs, past and present, have made supervised visitation services the highest funding priority service area. The data reported in this section represents federal fiscal year 2009 (i.e., data from October 1, 2008, through September 30, 2009, only) data collection on the part of the court subcontractors. See table 1 for number of families served and figure 1 for the number of program participants.

**Table 1. Access to Visitation Families Served**

<b>October 1, 2008, to September 30, 2009</b>	<b>Total</b>
Total Custodial Parents	867
Total Noncustodial Parents	889
Total Parents	1756
Total Children	1453
Total Participants (parents, grandparents, legal guardian, children)	<b>3209</b>
Total Fathers (custodial and noncustodial)	860
Total Mothers (custodial and noncustodial)	848
Total Grandparents and Legal Guardians	48
Total Children	1453

**Figure 1. Number of Participants**



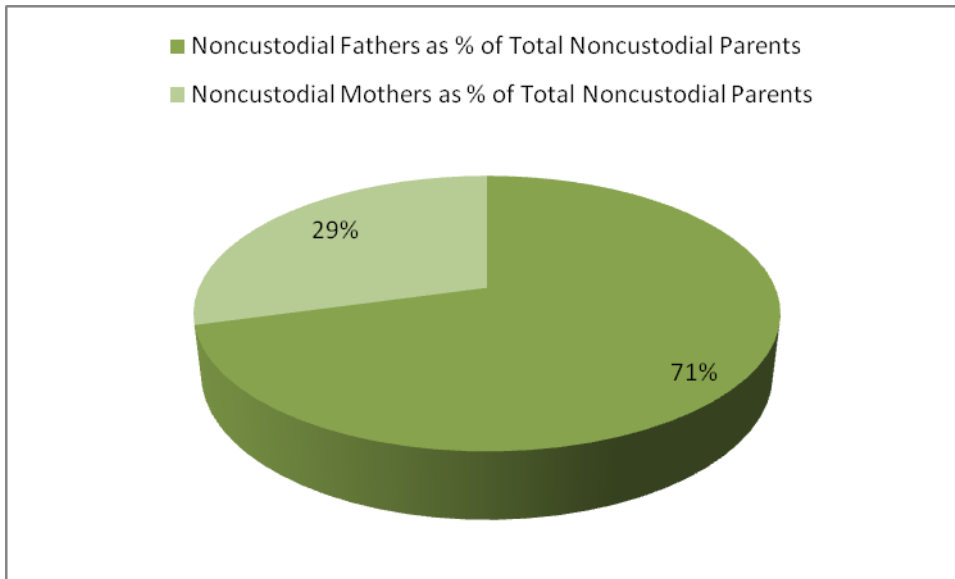
**Family Composition**

Most Access to Visitation clients are parents, but some services are provided to legal guardians and grandparents. Both noncustodial mothers and fathers are eligible service recipients. Table 2 shows the number of all noncustodial grant recipients served from October 1, 2008, through September 30, 2009, and figure 2 shows the percentage of noncustodial fathers and mothers served individually (i.e., without other parent).

**Table 2. Noncustodial Service Recipients**

<b>Noncustodial Fathers</b>	<b>624</b>
Noncustodial fathers as % of total noncustodial parents	70%
Noncustodial fathers as % of total parents	36%
<b>Noncustodial Mothers</b>	<b>260</b>
Noncustodial mothers as % of total noncustodial parents	29%
Noncustodial mother as % of total parents	15%
<b>Noncustodial Grandparents and Legal Guardians</b>	<b>5</b>
Grandparents and legal guardians as % of total noncustodial parents	0.6%
Grandparents and legal guardians as % of total parents	0.3%

**Figure 2. Noncustodial Fathers and Mothers**



**Grant Services Provided: Supervised Visitation, Exchange, Group Counseling, and Parent Education**

Although supervised visitation, supervised exchange (neutral drop-off and pickup), group counseling, and parent education services are all allowable services in California, supervised visitation was the predominant service accessed by families. As indicated in table 3, while most of the grant programs offered both supervised visitation and supervised exchange services, very few programs offered group counseling and parent education. As reported by the grantees, many courts and subcontractors are unable to offer certain program services because of funding limitations, resources, constraints on facility space, or adequate staffing.

**Table 3. Grant Services Provided**

Group counseling	13
Parent education	193
Supervised exchange	160
Supervised visitation	712
<b>Total Clients Served</b>	<b>1078</b>

*Important:* Table 3 does not include the total number of children served because they are not the “eligible” grant recipient of the services. The grant is provided to noncustodial parents (i.e., the grant reimburses only for services provided to noncustodial parents).

**Hours of Service Delivery**

The number of service delivery hours from grant recipient service providers is highlighted in table 4. The methodology for counting the time spent on various services varies depending on the service type. The hours indicated in table 4 under supervised

visitation include only the time of the actual supervised visitation contact between the noncustodial parent and child; it does not include transition time or other essential program components, such as time spent on intake, orientation, or administrative tasks. However, the hours indicated for supervised exchanges do include the total time spent during each exchange session, including the time that staff spent waiting for the parent to arrive. The reporting of service hours for parent education and group counseling services is based on the time spent providing services in a group setting. For each session, programs complete a summary form that captures the number of noncustodial and custodial parents, the number of families served, the number of sessions held, and the hours spent providing the service for each type of group session.

**Table 4. Number of Service Delivery Hours**

Group counseling	9
Parent education	119
Supervised exchange	1111
Supervised visitation	13,257
<b>Total service hours</b>	<b>14,496</b>

#### Access to Visitation Grant Program Strategic Planning Process

As reported in *Ten Years of Access to Visitation Grant Program Services (Fiscal Years 1997–2007, A Report to the California Legislature,*<sup>22</sup> the Access to Visitation Grant Program sought to examine grant-related services and court and client needs with the overarching goal of

- Developing a road map for more comprehensive service delivery;
- Clarifying future directions and goals of the grant program; and
- Creating both long- and short-term strategies for addressing ongoing challenges.

The strategic planning process began in February 2008 and is anticipated to be completed in fiscal year 2010. The final product of this process will be a written report that includes findings and recommendations for the future direction of the program.

#### California’s Strategic Planning Process

California’s strategic planning process has been derived, in part, from a report titled *A Collaboration and Strategic Planning Guide for States: Child Access and Visitation Programs,*<sup>23</sup> which was developed by the federal Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, in March 2007. The guide is grounded in the actual experiences of three states

<sup>22</sup> Available at [www.courtinfo.ca.gov/programs/cfcc/pdf/files/10YearsAccesstoVisitation040708.pdf](http://www.courtinfo.ca.gov/programs/cfcc/pdf/files/10YearsAccesstoVisitation040708.pdf).

<sup>23</sup> Available at [www.acf.hhs.gov/programs/cse/pol/DCL/2007/dcl-07-07a.pdf](http://www.acf.hhs.gov/programs/cse/pol/DCL/2007/dcl-07-07a.pdf).



(Colorado, Tennessee, and Texas) that conducted an assessment of their Access to Visitation Grant Programs to develop a plan for future directions. It includes practical tools on how to initiate a successful program planning strategy.

The guide also provides information on how states can examine their Access to Visitation programs critically in order to define or revise their overall mission and determine how to establish an effective partnership among state Access to Visitation Grant Programs, courts, child support agencies, and other public and community agencies to analyze statewide needs and service delivery, assess individual state programs, and develop a statewide access to visitation service strategy that responds to the needs of noncustodial parents.

The focus areas of California's planning process include:

- Strengthening and enhancing the continuum of services;
- Improving the quality of service delivery;
- Increasing providers' capacity to deliver quality services;
- Increasing coordination and communication;
- Developing infrastructure to support high-quality services; and
- Leveraging resources for sustainability.

Additionally, the process seeks to ensure that any strategy plan fulfills the priorities of the California judicial branch's strategic and operational plans and draws upon the work of Judicial Council committees, the courts, and other AOC projects related to child custody and visitation.

## Conclusion

Despite the many accomplishments of California's Access to Visitation Grant Program and the tireless efforts of the courts and subcontractors to identify and secure additional funding to support their services, inadequate funding continues to impede their ability to maintain current service delivery levels. The reduction of "access to services" means that the courts, together with their subcontractors, must struggle to meet the ever-increasing demand for services, the ever-increasing needs of families for *subsidized* financial assistance, and the limitations on affordable, available, and accessible services statewide.

The Access to Visitation Grant Program will continue to actively seek diverse supplementary funding while ensuring the administration and operation of high-quality program services, to address programmatic challenges, and to enhance service delivery for all California families receiving access to visitation services.

## Appendix A

### Access to Visitation Grant Program Fiscal Year 2009–2010 Grantees



Superior Court of California, County of <b>Butte</b>	\$ 60,000
Superior Court of California, County of <b>Fresno</b>	59,928
Superior Court of California, County of <b>Los Angeles</b>	100,000
Superior Court of California, County of <b>Mendocino</b>	45,000
Superior Court of California, County of <b>Napa</b>	27,000
Superior Court of California, County of <b>Orange</b>	86,978
Superior Court of California, County of <b>San Francisco</b>	60,000
Superior Court of California, County of <b>Santa Clara</b>	100,000
Superior Court of California, County of <b>Santa Cruz</b>	60,000
Superior Court of California, County of <b>Shasta</b>	60,000
Superior Court of California, County of <b>Sonoma</b>	34,000
Superior Court of California, County of <b>Tulare</b>	36,844
Superior Court of California, County of <b>Yuba</b>	41,788

**Total: \$771,538**

Appendix B

**Superior Courts Funded in Fiscal Year 2009–2010**

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Regional Area*	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Final Grant Award Allocation
1	<b>Butte</b>	Butte, Glenn, Plumas	3	1	NO	X				<b>\$ 60,000</b>
2	<b>Fresno</b>	Fresno	1	1	NO	X	X			<b>59,928</b>
3	<b>Los Angeles</b>	Los Angeles	1	4	SO	X	X			<b>100,000</b>
4	<b>Mendocino</b>	Mendocino, Del Norte	2	2	BA	X		X		<b>45,000</b>
5	<b>Napa</b>	Napa	2	2	BA	X	X			<b>27,000</b>
6	<b>Orange</b>	Orange	1	2	SO	X	X			<b>86,978</b>
7	<b>San Francisco</b>	San Francisco	1	1	BA	X	X			<b>60,000</b>
8	<b>Santa Clara</b>	Santa Clara, San Mateo	2	2	BA	X				<b>100,000</b>
9	<b>Santa Cruz</b>	Santa Cruz, Monterey, San Benito	3	3	BA	X	X			<b>60,000</b>
10	<b>Shasta</b>	Shasta, Trinity, Tehama	3	4	NO	X	X	X	X	<b>60,000</b>
11	<b>Sonoma</b>	Sonoma	1	2	BA	X	X	X		<b>34,000</b>
12	<b>Tulare</b>	Tulare, Kings	2	1	NO	X				<b>36,844</b>
13	<b>Yuba</b>	Yuba, Sutter	2	1	NO	X				<b>41,788</b>
	<b>13</b>		<b>24</b>	<b>26</b>						<b>\$ 771,538</b>

\*Abbreviation key for AOC regions: NO–Northern/Central Region; BA–Bay Area/Northern Coastal Region; SO–Southern Region.

## Appendix C

### California Family Code Sections 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.

## Appendix D

### California Standards of Judicial Administration, Standard 5.20

#### **(a) Scope of service**

This standard defines the standards of practice, including duties and obligations, for providers of supervised visitation under Family Code section 3200. Unless specified otherwise, the standards of practice are designed to apply to all providers of supervised visitation, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation. 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. Each court is encouraged to adopt local court rules necessary to implement these standards of practice.

#### **(b) Definition**

Family Code section 3200 defines the term "provider" as including any individual or supervised visitation center that monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person. These standards of practice and this definition do not apply to supervision of visitation exchanges only, but may be useful in that context.

#### **(c) Qualifications of the provider**

Who provides the supervision and the manner in which supervision is provided depends on different factors, including local resources, the financial situation of the parties, and the degree of risk in each case. While the court makes the final decision as to the manner in which supervision is provided and any terms or conditions, the court may consider recommendations by the attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, therapists, and providers of supervised visitation.

- (1) A "nonprofessional provider" is any person who is not paid for providing supervised visitation services. Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider should:

- (A) Be 21 years of age or older;



- (B) Have no conviction for driving under the influence (DUI) within the last 5 years;
  - (C) Not have been on probation or parole for the last 10 years;
  - (D) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
  - (E) Have proof of automobile insurance if transporting the child;
  - (F) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
  - (G) Have no current or past court order in which the provider is the person being supervised;
  - (H) Not be financially dependent on the person being supervised;
  - (I) Have no conflict of interest under (g); and
  - (J) Agree to adhere to and enforce the court order regarding supervised visitation.
- (2) A "professional provider" is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The professional provider should:
- (A) Be 21 years of age or older;
  - (B) Have no conviction for driving under the influence (DUI) within the last 5 years;
  - (C) Not have been on probation or parole for the last 10 years;
  - (D) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
  - (E) Have proof of automobile insurance if transporting the child;
  - (F) Have no civil, criminal, or juvenile restraining orders within the last 10 years;

- (G) Have no current or past court order in which the provider is the person being supervised;
  - (H) Be able to speak the language of the party being supervised and of the child, or the provider must provide a neutral interpreter over the age of 18 who is able to do so;
  - (I) Have no conflict of interest under (g); and
  - (J) Agree to adhere to and enforce the court order regarding supervised visitation.
- (3) A "therapeutic provider" is a licensed mental health professional paid for providing supervised visitation services, including a psychiatrist, a psychologist, a clinical social worker, a marriage and family counselor, or an intern working under direct supervision of a qualified licensed mental health professional. A therapeutic provider should meet the qualifications provided in (c)(2). A judicial officer may order therapeutic supervision for cases requiring a clinical setting.

**(d) Training for providers**

- (1) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider under this standard.
- (2) In addition, professional and therapeutic providers should receive training that should include the following subjects:
  - (A) The role of a professional and therapeutic provider;
  - (B) Child abuse reporting laws;
  - (C) Record-keeping procedures;
  - (D) Screening, monitoring, and termination of visitation;
  - (E) Developmental needs of children;
  - (F) Legal responsibilities and obligations of a provider;
  - (G) Cultural sensitivity;

- (H) Conflicts of interest;
- (I) Confidentiality; and
- (J) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence.

**(e) Safety and security procedures**

All providers should make every reasonable effort to assure the safety and welfare of the child and adults during the visitation. Supervised visitation centers should establish a written protocol with the assistance of the local law enforcement agency that describes the emergency assistance and responses that can be expected from the local law enforcement agency. In addition, the professional and therapeutic provider should:

- (1) Establish and state in writing minimum security procedures and inform the parties of these procedures before the commencement of supervised visitation;
- (2) Conduct comprehensive intake and screening to assess the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit under this standard. If the child is of sufficient age and capacity, the provider should include the child in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child's developmental stage;
- (3) Obtain during the intake process:
  - (A) Copies of any protective order;
  - (B) Current court orders;
  - (C) Any Judicial Council form relating to supervised visitation orders;
  - (D) A report of any written records of allegations of domestic violence or abuse; and
  - (E) An account of the child's health needs if the child has a chronic health condition;

- (4) Establish written procedures that must be followed in the event a child is abducted during supervised visitation; and
- (5) Suspend or terminate supervised visitation if the provider determines that the risk factors present are placing in jeopardy the safety and welfare of the child or provider as enumerated in (j).

**(f) Ratio of children to provider**

The ratio of children to a professional provider should be contingent on:

- (1) The degree of risk factors present in each case;
- (2) The nature of supervision required in each case;
- (3) The number and ages of the children to be supervised during a visit;
- (4) The number of people visiting the child during the visit;
- (5) The duration and location of the visit; and
- (6) The experience of the provider.

**(g) Conflict of interest**

All providers should maintain neutrality by refusing to discuss the merits of the case or agree with or support one party over another. Any discussion between a provider and the parties should be for the purposes of arranging visitation and providing for the safety of the children. In order to avoid a conflict of interest, the provider should not:

- (1) Be financially dependent on the person being supervised;
- (2) Be an employee of the person being supervised;
- (3) Be an employee of or affiliated with any superior court in the county in which the supervision is ordered unless specified in the employment contract; or
- (4) Be in an intimate relationship with the person being supervised.

**(h) Maintenance and disclosure of records**

- (1) Professional and therapeutic providers should keep a record for each case, including the following:
  - (A) A written record of each contact and visit, including the date, time, and duration of the contact or visit;
  - (B) Who attended the visit;
  - (C) A summary of activities during the visit;
  - (D) Actions taken by the provider, including any interruptions, terminations of a visit, and reasons for these actions;
  - (E) An account of critical incidents, including physical or verbal altercations and threats;
  - (F) Violations of protective or court visitation orders;
  - (G) Any failure to comply with the terms and conditions of the visitation; and
  - (H) Any incidence of abuse as required by law.
- (2) Case recordings should be limited to facts, observations, and direct statements made by the parties, not personal conclusions, suggestions, or opinions of the provider. All contacts by the provider in person, in writing, or by telephone with either party, the children, the court, attorneys, mental health professionals, and referring agencies should be documented in the case file. All entries should be dated and signed by the person recording the entry.
- (3) If ordered by the court or requested by either party or the attorney for either party or the attorney for the child, a report about the supervised visit should be produced. These reports should include facts, observations, and direct statements and not opinions or recommendations regarding future visitation unless ordered by the court. A copy of any report should be sent to all parties, their attorneys, and the attorney for the child.
- (4) Any identifying information about the parties and the child, including addresses, telephone numbers, places of employment, and schools, is confidential, should not be disclosed, and should be deleted from documents before releasing them to any court, attorney, attorney for the child, party, mediator, evaluator, mental

health professional, social worker, or referring agency, except as required in reporting suspected child abuse.

**(i) Confidentiality**

Communications between parties and providers of supervised visitation are not protected by any privilege of confidentiality. The psychotherapist-patient privilege does not apply during therapeutic supervision. Professional and therapeutic providers should, whenever possible, maintain confidentiality regarding the case except when:

- (1) Ordered by the court;
- (2) Subpoenaed to produce records or testify in court;
- (3) Requested to provide information about the case by a mediator or evaluator in conjunction with a court-ordered mediation, investigation, or evaluation;
- (4) Required to provide information about the case by Child Protective Services; or
- (5) Requested to provide information about the case by law enforcement.

**(j) Delineation of terms and conditions**

The provider bears the sole responsibility for enforcement of all the terms and conditions of any supervised visitation. Unless otherwise ordered by the court, the provider should:

- (1) Monitor conditions to assure the safety and welfare of the child;
- (2) Enforce the frequency and duration of the visits as ordered by the court;
- (3) Avoid any attempt to take sides with either party;
- (4) Ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times, and that discussions are audible to the provider;
- (5) Speak in a language spoken by the child and the noncustodial party;
- (6) Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's siblings;

- (7) Allow no discussion of the court case or possible future outcomes;
- (8) Allow neither the provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- (9) Allow no spanking, hitting, or threatening the child;
- (10) Allow no visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;
- (11) Allow no emotional, verbal, physical, or sexual abuse; and
- (12) Ensure that the parties follow any additional rules set forth by the provider or the court.

**(k) Safety considerations for sexual abuse cases**

In cases where there are allegations of sexual abuse, in addition to the requirements of (j), the provider should comply with the following terms and conditions, unless otherwise ordered by the court:

- (1) Allow no exchanges of gifts, money, or cards;
- (2) Allow no photographing, audiotaping, or videotaping of the child;
- (3) Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, prolonged hugging, wrestling, tickling, horseplaying, changing diapers, or accompanying the child to the bathroom;
- (4) Allow no whispering, passing notes, hand signals, or body signals; and
- (5) Allow no supervised visitation in the location where the alleged sexual abuse occurred.

**(l) Legal responsibilities and obligations of a provider**

All providers of supervised visitation should:

- (1) Advise the parties before commencement of supervised visitation that no confidential privilege exists;

- (2) Report suspected child abuse to the appropriate agency, as provided by law, and inform the parties of the provider's obligation to make such reports;
- (3) Implement the terms and conditions under (j); and
- (4) Suspend or terminate visitation under (n).

**(m) Additional legal responsibilities of professional and therapeutic providers**

In addition to the legal responsibilities and obligations required in (l), professional and therapeutic providers should:

- (1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation. The contract should inform each party of the terms and conditions of supervised visitation;
- (2) Review custody and visitation orders relevant to the supervised visitation;
- (3) Implement an intake and screening procedure under (e)(2); and
- (4) Comply with additional requirements under (o).

**(n) Temporary suspension or termination of supervised visitation**

- (1) All providers should make every reasonable effort to provide a safe visit for the child and the noncustodial party.
- (2) However, if a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.
- (3) All interruptions or terminations of visits should be recorded in the case file.
- (4) All providers should advise both parties of the reasons for interruption of a visit or termination.

**(o) Additional requirements for professional and therapeutic providers**

Professional and therapeutic providers should state the reasons for temporary suspension or termination of supervised visitation in writing and provide the written statement to both parties, their attorneys, the attorney for the child, and the court.