



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 26, 2013

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**Title**

Access to Visitation: Program Funding  
Allocation for Grant Fiscal Year 2013–2014

**Agenda Item Type**

Action Required

**Effective Date**

April 1, 2013

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

February 11, 2013

**Recommended by**

Family and Juvenile Law Advisory  
Committee

**Contact**

Shelly La Botte, 415-865-7565  
[shelly.labotte@jud.ca.gov](mailto:shelly.labotte@jud.ca.gov)

Hon. Kimberly J. Nystrom-Geist, Cochair  
Hon. Dean T. Stout, Cochair

Michael Wright, 415-865-7619  
[michael.wright@jud.ca.gov](mailto:michael.wright@jud.ca.gov)

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the allocation and distribution of \$776,549 statewide for the Access to Visitation Grant Program for grant fiscal year 2013–2014. The funding will be directed to 11 superior courts representing 18 counties and involving 17 subcontractor agencies (i.e., local community nonprofit service providers). The funding will support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 1, 2013, approve the funding allocation and distribution among the 11 superior courts of \$776,549 for grant fiscal year 2013–2014, as set forth in Attachment A.

## **Previous Council Action**

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the federal Personal Responsibility and Work Opportunity Recovery Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant is a formula grant program based on each state's number of single-parent households.<sup>1</sup> California receives the maximum award, which represents less than 10 percent of the total national funding. The amount of grant funds to be awarded to the courts statewide for the grant fiscal year 2013–2014 is \$776,549. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.<sup>2</sup>

At its December 14, 2012 meeting, the Judicial Council approved the funding allocation methodology for one-year continuation Access to Visitation Grant funding for fiscal year 2013–2014 and the creation of an Access to Visitation stakeholder workgroup charged with proposing new funding methodology options for fiscal year 2014–2015. Subject to the availability of federal funding, the approved methodology process will fund current programs that were previously approved by the Judicial Council at its February 28, 2012 meeting for fiscal years 2011–2012 and 2012–2013. The funding cycle for the Access to Visitation Grant Program for grant fiscal year 2013–2014 will begin on April 1, 2013, and end on March 31, 2014.

In fiscal year 2003–2004, the Executive and Planning Committee, acting on behalf of the Judicial Council, approved a funding cap allocation scheme that set maximum grant funding levels based upon county population. Small counties (population less than 250,000) were capped at \$45,000. Medium counties (population more than 250,000 but less than 1 million) were capped at \$60,000. Large counties (population of more than 1million) were capped at \$100,000. The Judicial Council has maintained this funding cap methodology in its approval of subsequent Access to Visitation funding allocations.

The Judicial Council has previously approved reducing funding amounts to courts that have had unspent funds during the prior funding cycle and redistributing those funds to other court programs. Most recently, at the February 25, 2011 Judicial Council meeting, the Judicial Council approved funding the superior courts at the amounts requested, except any court that had unspent

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<sup>1</sup> The statistical data (e.g., number of single-parent households) used to determine the formulaic distribution of funding to the states is based on U.S. Census data.

<sup>2</sup> Fam. Code, § 3204.

funds during the prior funding cycle received a reduction in funding by the approximate amount of unspent funds. When redistributing unspent funds, the Judicial Council has approved specific courts to go above the spending cap for these auxiliary funds, for example, the redistribution approved at its December 10, 2004 meeting. The Judicial Council has approved both the allocation process and the amount of funds to be distributed to the courts since inception of the grant program in fiscal year 1997–1998, through 2012–2013.

### **Rationale for Recommendation**

The Judicial Council at its December 14, 2012 meeting authorized the methodology for allocating fiscal year 2013–2014 Access to Visitation Grant one-year funding to the courts for continuation programs previously approved by the Judicial Council for fiscal years 2011–2012 and 2012–2013 funding. Eligible courts completed a simplified request for application (RFA) as required by Family Code section 3204(b)(1). The RFA included the submission of the court and their local subcontractor’s budget amount request for fiscal year 2013–2014. Consistent with prior council action, the RFA stated that any applicant court that is awarded continuation funding and did not spend all of their Access to Visitation Grant Program funding during the previous multiyear funding period (i.e., fiscal years 2011–2012 and 2012–2013) would have their grant award funding for grant fiscal year 2013–2014 reduced by an amount equal to the amount of unspent funds unless the court/subcontractor’s amount of unspent funds is less than \$1,000. The proposed funding allocation is coming before the council for funding allocation approval.

The AOC Center for Families, Children & the Courts (CFCC) received 11 grant applications from the eligible superior courts, which represent 18 counties and involve 17 subcontractors (i.e., local community nonprofit service providers). The total funding request from the RFA applicant courts was \$712, 901 and the total available statewide funds are \$776,549. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for grant fiscal year 2013–2014 is \$958,704.<sup>3</sup>

### **Grant award amounts**

The recommended allocations follow the prior practice of allocating grant funding to the courts based upon county population size but making some additional adjustments explained below.

The 11 superior courts are recommended for funding at the amounts they requested, except that any court with unspent funds during the prior funding cycle (i.e., fiscal years 2011–2012 and 2012–2013) had funding reduced by the approximate amount of unspent funds.<sup>4</sup> The funding

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<sup>3</sup> The difference between the federal funding allocation of \$958,704 and the \$776,549 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 and mandatory attendance at annual grant meeting required by the funder. Funds have been allocated for these statewide services since inception of the grant program in 1997.

<sup>4</sup> The RFA grant application stated that “any applicant court that is awarded continuation funding and did not spend their Access to Visitation Grant Program funding during the previous multiyear funding period (i.e., fiscal years

reduction to any court that had unspent funds during the prior funding cycle was approved by the Judicial Council for fiscal years 2011–2013. The superior courts that did not spend their grant funding allocation amount during fiscal years 2011–2013 are recommended to have their funding reduced for grant fiscal year 2013–2014, and these additional funds are recommended to be redistributed equally for the use of the eligible continuation programs. The courts that had unspent grant funds for fiscal years 2011–2013 include:

- Superior Court of El Dorado County—reduced by \$2,808 based on unspent funds;
- Superior Court of Santa Clara County—reduced by \$8,819 based on unspent funds; and
- Superior Court of Yuba County—reduced by \$7,471 based on unspent funds.

Additionally, the Superior Court of Lassen County has chosen to not seek funding for grant fiscal year 2013–2014. The grant fund amount of \$29,564 is recommended to be redistributed to those eligible continuation programs. Moreover, the Superior Court of Napa County lost their county collaborative partner, the Superior Court of Solano County during fiscal year 2012–2013, due to the closure of their local subcontractor supervised visitation program. The Superior Court of Solano County decided to close the Access to Visitation Grant Program in 2012–2013. Because the court is no longer a multicounty collaborative, the courts grant award amount for grant fiscal year 2013–2014 was reduced for consistency with the funding formula cap for their county population size; however, the court is eligible to receive additional funding for fiscal year 2013–2014. The \$15,000 dollars from the Superior Court of Napa County (i.e., original funding cap of \$60,000 to the \$45,000 funding cap) is also recommended to be redistributed to those eligible continuation programs.

The total amount of \$63,648 is proposed to be redistributed equally among those courts whose allocations were not reduced due to grant funds unspent during the last funding cycle. A summary of the grant award amounts and redistribution of excess fiscal year 2013–2014 grant funds to the eligible continuation programs is attached to this report as Attachment A.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for public comments but input was provided and alternatives were considered by the Family and Juvenile Law Advisory Committee that included relevant stakeholders. The following alternative actions for the allocation of funds were considered, but are not recommended for adoption by the Judicial Council at this time.

#### **Allocate funding to the courts with no reduction for unspent balances**

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. Since the inception of the program in 1997, federal funding has remained stagnant and the existing funding levels cannot meet the current demand for services. Under the Access to Visitation Grant Program, the federal Office of Child Support Enforcement is required

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2011–2012 and 2012–2013) would receive a reduction in grant award funding for fiscal year 2013–2014 that is equal to the amount of unspent funds unless the court/subcontractor unspent funds is less than \$1,000 dollars.”

to monitor and track whether states have spent their full grant award. Under federal guidelines unused funds do not roll over to the next fiscal year but revert back to the federal government and could result in ongoing reductions to the state award.

### **Hold additional grant funds in reserve**

Given the statewide demand for these grant-related services, this alternative would delay implementation of much-needed services for parents struggling with access to visitation issues. In addition, distributing the grant funds at the start of the grant period increases the likelihood that the courts will spend the grants funds and allows each court to anticipate budget projections and expenditures in a more cost-effective manner.

### **Implementation Requirements, Costs, and Operational Impacts**

Historically and currently, a 20 percent nonfederal match has been required by the courts or their local service providers. This requirement has been fulfilled by an in-kind match that covers the courts' implementation costs, such as procuring service providers, processing and submitting program invoices, and data collection.

Implementation costs include court and AOC staff time to execute contract agreements between the AOC and the courts and to execute memoranda of understanding with local service providers/subcontractors. Court implementation requirements include compliance with all federal and state grant funding requirements.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

This recommendation helps to implement the judicial branch's strategic Goal I, Access, Fairness, and Diversity, by providing funding assistance to expand the availability of accessible services for low-income parents with limited financial resources. The grant program supports courts and their local communities with resources to increase parents' access to fair and respectful services regarding concerns for their rights as they try to resolve their custody and visitation disputes.

### **Attachments**

1. Attachment A: List of Superior Courts and Grant Award Amounts for Grant Fiscal Year 2013–2014
2. Attachment B: Family Code section 3204



**Judicial Council of California  
Administrative Office of the Courts  
Judicial and Court Operations Services Division  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**List of Superior Courts and Grant Award Amounts  
for Grant Fiscal Year 2013–2014\***

<b>Superior Courts of California</b>	<b>Proposed Grant Amount</b>	<b>Additional Grant Fund Amount</b>	<b>Total Grant Funding Allocation</b>
Superior Court of Butte County	\$60,000	\$7,956	\$67,956
Superior Court of Contra Costa County	\$100,000	\$7,956	\$107,956
Superior Court of El Dorado County	\$42,192	\$0	\$0
Superior Court of Mendocino County	\$45,000	\$7,956	\$52,956
Superior Court of Napa County	\$45,000	\$7,956	\$52,956
Superior Court of Orange County	\$100,000	\$7,956	\$107,956
Superior Court of Sacramento	\$32,000	\$7,956	\$39,956
Superior Court of San Francisco County	\$100,000	\$7,956	\$107,956
Superior Court of Santa Clara County	\$91,180	\$0	\$0
Superior Court of Tulare County	\$60,000	\$7,956	\$67,956
Superior Court of Yuba County	\$37,529	\$0	\$0
<b>Total</b>	<b>\$712,901</b>	<b>\$63,648</b>	<b>\$776,549</b>

\* The 2013–2014 grant fiscal year for the Access to Visitation Grant Program is April 1, 2013 through March 31, 2014.

**Judicial Council of California  
Administrative Office of the Courts  
Judicial and Court Operations Services Division  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**California Family Code Section 3204**

3204. (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 even-numbered 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.

