



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

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# INVITATION TO COMMENT

## SP14-03

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Title	Action Requested
Access to Visitation Grant Program: Proposed New Funding Methodology	Review and submit comments by 5 p.m. on Tuesday, March 4, 2014, to Irene Balajadia at: <a href="mailto:irene.balajadia@jud.ca.gov">irene.balajadia@jud.ca.gov</a>
To	Proposed Effective Date
Interested Persons and Organizations	April 24, 2014
Recommended by	Contact
Family and Juvenile Law Advisory Committee	Shelly La Botte, Access to Visitation Grant Program Manager, 415-865-7565 <a href="mailto:shelly.labotte@jud.ca.gov">shelly.labotte@jud.ca.gov</a>
Hon. Jerilyn L. Borack, Cochair	
Hon. Kimberly J. Nystrom-Geist, Cochair	
	Anna L. Maves, Senior Attorney <a href="mailto:anna.maves@jud.ca.gov">anna.maves@jud.ca.gov</a> 916-263-8624

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### Recommendation

The Judicial Council directed the Family and Juvenile Law Advisory Committee to propose new funding methodology options for California's Access to Visitation Grant Program. The Family and Juvenile Law Advisory Committee recommends revising the Judicial Council's funding allocation methodology for the Access to Visitation Grant Program as follows:

1. Conduct an open request for proposals (RFP) process for the superior courts to apply for federal fiscal year funding for 2015–2016<sup>1</sup>;
2. Those courts selected for grant funding would receive continuation funding for three years (from federal fiscal years 2015–2016 through 2017–2018);
3. The RFP process would open up again in federal grant fiscal year 2018 for another three-year funding period;

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<sup>1</sup> The Access to Visitation Grant Program funding federal fiscal year is April 1 through March 31.

4. Grant funding amounts would be divided into three categories: maximum of \$45,000, maximum \$60, 0000, and maximum of \$100,000.
5. Two demographic factors would be used to determine which of the above three funding categories applies to a given court: (1) the number of single-parent households in the county; and (2) the number of individuals with income below the federal poverty level in the county. The number of persons below the federal poverty level will be determined by using the percentage of persons below the poverty level for each county multiplied by the total county population using U.S. Census data. The number of single-parent households for each county will also rely on U.S. Census data. Each of these factors will be weighted equally, so the number of single-parent households in each county will be multiplied by 50 percent and the number of persons below the poverty level in each county will be multiplied by 50 percent. The combined number for each county will then be grouped. The selected counties within the highest 1/3 group will be eligible for \$100,000; the selected counties in the middle 1/3 will be eligible for \$60,000; and the selected counties in the lower 1/3 will be eligible for \$45,000 in grant funding.
6. Additionally, the committee seeks comment on the distribution of grant funds that may become available when a grantee court withdraws from the program or does not spend its full grant award. The following options for excess funding include:

***Option 1:*** Use any additional excess grant funds to provide program planning grants to courts. Eligibility for these excess grant funds would be limited to courts that do not currently receive Access to Visitation Grant funding, and funding would be awarded through a competitive open RFP process; or

***Option 2:*** All applicant courts during the open RFP process would be ranked at that time and excess funding would be distributed to the next ranking unfunded court(s); or

***Option 3:*** Current grantee courts would be eligible to receive these funds through a midyear reallocation process and the recommendation regarding the reallocation is to either: (a) distribute an equal amount to all requesting courts; or (b) based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.

7. The committee is also requesting comment on how to streamline the Access to Visitation grant application and review process.

## **Executive Summary**

Family Code section 3204(a) requires the Judicial Council to annually apply 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 1996 Federal Personal Responsibility and Work Opportunity Recovery Act (PRWORA). These grants enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. Funding for

California's Access to Visitation Grant Program is limited by statute to three types of programs: supervised visitation and exchange services; parent education; and group counseling. Federal grant funding allocation to states is based on the number of single-parent households. California receives the maximum award (approximately \$945,000), which represents less than 10 percent of the total national funding. The amount of grant funds to be awarded to courts statewide is approximately \$755,000 to \$770,000, each federal fiscal year. Family Code section 3204(b) authorizes the Judicial Council to determine the final number and amount of grants. The Family and Juvenile Law Advisory Committee provides recommendations to the council to assist in making a final determination for allocating these funds.

At its December 14, 2012 meeting, the Judicial Council approved the advisory committee's creation of the Access to Visitation Stakeholder Workgroup charged with proposing new funding methodology options for federal fiscal year 2015–2016. The council also directed the Family and Juvenile Law Advisory Committee to circulate any proposed funding methodology to the courts and key stakeholders for comment prior to making recommendations to the council at its April 2014 meeting. In response to this directive, the Family and Juvenile Law Advisory Committee is requesting specific comments on the proposed recommendations for the new funding methodology to put forth to the Judicial Council for its approval.

The working group has explored ways to streamline the existing grant processes, evaluate the current funding methodology, and develop innovative alternatives that would ensure an equitable distribution of grant funds while maintaining program objectives. The working group reviewed the history of the program and the previous grant funding processes and discussed various grant funding options, including the benefits and drawbacks of each option. Additionally, the federal funder was contacted to discuss whether certain types of programs would be eligible for funding.

## **Detail of Proposed New Funding Methodology**

### **History of methodology**

Family Code section 3204(b)(1) requires California's Access to Visitation Grant Program to conduct a request for proposals (RFP) process that may include multiyear funding. For federal fiscal years 2003–2004 through 2009–2010, the Family and Juvenile Law Advisory Committee recommended to the Judicial Council that the Access to Visitation Grant RFP process be open only to continuation programs (i.e., courts that were already receiving grant funding). The Judicial Council approved both the funding methodology and the allocation of grant award funding to the superior courts for each of the federal fiscal year funding periods.

Commencing federal fiscal year 2010–2011 through 2012–2013, the Family and Juvenile Law Advisory Committee recommended and the Judicial Council approved that the Access to Visitation RFP be open to all superior courts to apply for these limited grant funds, and the council also approved the grant funding allocation to the courts. For federal FY 2013–2014 and 2014–2015, the Family and Juvenile Law Advisory Committee recommended, and the council approved, continuation grant funding to those courts that had already gone through the competitive process in the previous funding cycle. In addition to approving the funding

allocation methodology, the Judicial Council also determined, for each federal fiscal year funding cycle, whether funding would be for a single-year or multiyear cycle.

Currently, the Access to Visitation program provides funding to 11 superior courts representing 18 counties and involving 26 subcontractor agencies (i.e., local community nonprofit service providers) to facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, to provide parent education, and to provide group counseling services. The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The need for access to visitation services is high.

After reviewing and discussing various funding alternatives, the Family and Juvenile Law Advisory Committee recommends the following new funding methodology for California's Access to Visitation Grant Program:

### **Grant funding preference**

California's Access to Visitation Grant Program staff would conduct an open RFP process for the superior courts to apply for federal fiscal year funding for 2015–2016, and those courts selected for grant funding would receive continuation funding for three years (for federal fiscal years 2015–2016 through 2017–2018). The RFP process would open up again in federal grant fiscal year 2018 for another three-year funding period. The proposed three-year funding period is consistent with California's grant application to the federal Office of Child Support Enforcement for Child Access and Visitation funding. In previous years, California's grant application had to be submitted each federal fiscal year. Effective fiscal year 2012, this process was changed by the funder to require states to submit their grant funding application every three years for approval.

### **Grant funding criteria and amounts**

Grant funding amounts would be divided into three categories: maximum of \$45,000, maximum \$60,000, and maximum of \$100,000. Two demographic factors will be used to determine which of the above three funding categories apply to a given court: (1) the number of single-parent households in the county and (2) the number of individuals with income below the federal poverty level in the county. The number of persons below the federal poverty level will be determined by using the percentage of persons below the poverty level for each county multiplied by the total county population using U.S. Census data. The number of single-parent households for each county will also rely on U.S. Census data. Each of these factors will be weighted equally, so the number of single-parent households in each county will be multiplied by 50 percent and the number of persons below the poverty level in each county will be multiplied by 50 percent. The combined number for each county will then be grouped. The counties in the top 1/3 group will be eligible for up to \$100,000; the counties in the middle 1/3 will be eligible for up to \$60,000; and the counties in the lower 1/3 will be eligible for up to \$45,000 in funding.

This funding methodology only determines the maximum grant dollar amount for which each applicant court would be eligible. Courts that chose to jointly apply for funding will be grouped together based on the combined demographic number (derived from the two demographic

factors). All applicant courts will have to go through the RFP and grant application review process to determine if they will actually be selected for grant funding.

### **Use of “excess” grant funds**

The committee is requesting comment on the best method for handling grant funds that may become available if any grantee court withdraws from the program or does not spend its full grant award (thus creating “excess funds”). The following options for excess funding include:

***Option 1:*** Use any additional excess grant funds to provide program planning grants to courts. A planning grant is intended to provide grant funding support to courts for the purpose of establishing an Access to Visitation Grant Program in their local jurisdiction through a collaborative strategic planning process with key court-community stakeholders. Eligibility for these grant funds would be limited to courts that do not currently receive Access to Visitation Grant funding, and funding would be awarded through a competitive open RFP process; or

***Option 2:*** All applicant courts during the open RFP process would be ranked at that time and excess funding would be distributed to the next ranking unfunded court(s); or

***Option 3:*** Current grantee courts would be eligible to receive these funds through a midyear reallocation process and the recommendation regarding the reallocation is to either: (a) distribute an equal amount to all requesting courts; or (b) based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.

### **RFP grant application and review process**

Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request for proposal (RFP) process that complies with all state and federal requirements for receiving Access to Visitation Grant funds. Family Code section 3204(b)(2) provides that the grant funds shall be awarded with the intent of approving as many RFPs as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. The Family Code section also specifies certain required selection evaluation criteria:

- Availability of services to a broad population of parties;
- Ability to expand existing services;
- Coordination with other community services;
- Hours of service delivery;
- Number of counties or regions participating;
- Overall cost-effectiveness; and
- Promotion and encouragement of healthy relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

To ensure a fair and unbiased selection process, the Family and Juvenile Law Advisory Committee has approved in previous fiscal years the establishment of a selection review committee (SRC). The role of the SRC has been to read, review, evaluate, and score the grant application proposals and generate an average score, rank, and recommendation for each proposal. Using this information, the AOC then develops funding recommendations and submits these recommendations to the Family and Juvenile Law Advisory Committee for review, which subsequently makes recommendations to the Judicial Council's Executive and Planning Committee. The Judicial Council makes final decisions regarding the number and amounts of grants (Fam. Code, § 3204(b)(2)).

The RFP grant application is based on the evaluation criteria set forth in Family Code section 3204(b)(1)–(2) and state and federal grant reporting requirements. AOC staff develop the RFP grant application selection criteria based on the evaluation criteria set forth in Family Code section 3204(b)(1) and (b)(2)(A–G), state and federal grant requirements, compliance with standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation) and Family Code section 3200.5, and other policy directives.

Given these statutory limitations, the Family and Juvenile Law Advisory Committee is requesting comment on how to streamline the California's Access to Visitation grant application and review process to determine the selection of the superior courts that will receive grant award funding.

### **Submission of Comments**

Please use the attached comment form to submit comments and suggestions. E-mail the completed comment form to Irene Balajadia, at [irene.balajadia@jud.ca.gov](mailto:irene.balajadia@jud.ca.gov) by 5 p.m., Tuesday, March 4, 2014.