



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 27–28, 2017

Title

Access to Visitation Grant: Program Funding
Reallocation from Lead Grantee Court to
Collaborative Partner Court in Final Year of
Three Year Funding Cycle

Agenda Item Type

Action Required

Effective Date

July 28, 2017

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 19, 2017

Recommended by

Family and Juvenile Law Advisory
Committee
Hon., Jerilyn L. Borack Cochair
Hon. Mark A. Juhas, Cochair

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation and distribution of a maximum of \$45,000 from the funds previously awarded to the lead administering court—the Superior Court of Mendocino County, to their collaborative partner court—the Superior Court of Del Norte County for the contract period of fiscal year 2017–2018. The Access to Visitation contract period for fiscal year 2017–2018 began on April 1, 2017, and ends on March 31, 2018. The funding reallocation will support and facilitate the continuation of Access to Visitation grant program services for noncustodial parents and their children through supervised visitation and exchange services and parent education. Family Code section 3204(b)(2) requires the Judicial Council to determine funding allocation awards to the superior courts.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council reallocate a maximum of \$45,000 from the lead administering court, the Superior Court of Mendocino County, to their collaborative partner court, the Superior Court of Del Norte County for the contract period of April 1, 2017 through March 31, 2018.

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). 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. The federal Child Access and Visitation Grant is a formula grant program. Funding allocations to states are based on each state's number of single-parent households.¹ The 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.²

At its April 25, 2014 meeting, the Judicial Council adopted a new funding methodology for California's Access to Visitation Grant Program, effective fiscal year 2015-2016 (See <http://www.courts.ca.gov/documents/jc-20141212-itemB.pdf>). Under the approved funding methodology, the Judicial Council Center for Families, Children & the Courts released an open, competitive request for proposals (RFP) grant application for fiscal years 2015-2016 through 2017-2018 funding for the Access to Visitation Grant Program. At its December 12, 2014 meeting, the Judicial Council approved the funding allocation and distribution of approximately \$755,000 to \$770,000 to 11 superior courts for the grant fiscal years 2015-2016 through 2017-2018 (each federal fiscal year). The selection of courts and funding allocation approval included the Superior Court of Mendocino County as the lead administering court in collaborative partnership with the Superior Court of Del Norte County; only Mendocino as the lead court is included in the total of 11 superior courts awarded funding.

The Access to Visitation Grant contract period for fiscal year 2017-2018,³ began on April 1, 2017, and grant funds must be obligated by March 31, 2018. Grant funds cannot be used in subsequent years and unspent fiscal year grant funds revert to the funder.

¹ 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.

² Fam. Code §3204(b)1).

³ The Judicial Council approved the funding allocation for the Access to Visitation Grant contract periods fiscal year 2015-2016 through 2017-2018 on December 12, 2014.

Rationale for Recommendation

On July 21, 2014, the Judicial Council Center for Families, Children & the Courts (CFCC) released an open, competitive request for proposals (RFP) grant application for fiscal years 2015–2016 through 2017–2018 funding for Access to Visitation-related services: supervised visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. Family courts throughout California were eligible to apply for and receive the Access to Visitation grant funds, which are 100 percent federal funds. Center for Families, Children & the Courts staff received 20 grant applications from the superior courts, which represented 27 counties and involved 35 subcontractor agencies (i.e., local court community-based service providers that will provide the services on behalf of the court to families).

The Superior Court of Mendocino County, as the lead administering court under the Access to Visitation Grant Program, was one of the 11 superior courts approved by the Judicial Council to receive three years of Access to Visitation funding (the contract period from fiscal years 2015–2016 through 2017–2018). As the lead administering court, the Superior Court of Mendocino County was awarded a total of \$60,000 (each year) for a three-year funding period. The \$60,000 grant award is the maximum grant amount the superior court is eligible to receive based on the Judicial Council approved funding formula cap methodology.⁴ The Superior Court of Mendocino County's Access to Visitation Grant Program consist of a multi-county, multiagency collaborative partnership between the superior court and their local subcontractor Mendocino County Youth Project, and the Superior Court of Del Norte County and their court local subcontractor, Del Norte Child Care Council.

In May, the Superior Court of Mendocino County notified Judicial Council program staff that the court's subcontractor had terminated services with the court, effective March 31, 2017—the end of the second year funding cycle (the contract period of fiscal year 2016–2017). In turn, the superior court sought to secure a new subcontractor without success; and therefore, the Superior Court of Mendocino County decided to terminate its participation in the Access to Visitation Program for the contract period of fiscal year 2017–2018, which began on April 1, 2017, and ends on March 31, 2018.

For the Access to Visitation Grant contract periods fiscal years 2015–2016 and 2016–2017, the Counties of Mendocino and Del Norte jointly received the grant funds under a contract agreement, with the Superior Court of Mendocino County as the grant administrator. The Superior Court of Mendocino County termination of participation in the grant program affects the distribution of the grant funds to the Superior Court of Del Norte because the standard

⁴ Grant funding amounts are divided into three categories: a maximum of \$45,000, a maximum \$60,000, and a maximum of \$100,000. Two demographic factors are used to determine which of the three funding categories apply to a given court: (1) the number of single-parent households in the county, from U.S. Census data; and (2) the number of individuals with income below the poverty level in the county, per U.S. Census data.

Judicial Council contract agreement can only be made with the lead administering superior court (i.e., the Superior Court of Mendocino County). The Judicial Council standard contract agreement is made only with the designated lead superior court. The administering court subsequently enters into a Memorandum of Understanding with the collaborative partnering county courts and subcontractors. Under Family Code section 3201(a), the family law division of the superior courts is required to administer the program with one court acting as the lead or administering court.

The Superior Court of Del Norte County has been a collaborative court partner with the Superior Court of Mendocino County since implementation of the grant program in 1997. With the Superior Court of Mendocino County terminating participation under the grant program, the Superior Court of Del Norte County is willing to take on the role as the lead administering court to continue program service delivery in Del Norte for the fiscal year 2017–2018 funding period, effective termination of services by the Superior Court of Mendocino County.

Grant Amount Reallocation. The Superior Court of Mendocino County was approved for a total of \$60,000 in grant funding for the contract period fiscal years 2015–2016 through 2017–2018 (three years of funding) to provide services to both Mendocino and Del Norte based on the criterion identified in the funding methodology. Because the court terminated participation for the contract period fiscal year 2017–2018, the grant fund amount of \$45,000 is recommended to be redistributed to the Superior Court of Del Norte County. The grant amount to the Superior Court of Del Norte is reduced for consistency with the Judicial Council approved funding cap methodology for their county population size. The remaining \$15,000 dollars from the total \$60,000 previously awarded to the Superior Court of Mendocino County would then be available to be redistributed to those eligible courts currently receiving Access to Visitation grant funds through the funding methodology approved by the Judicial Council: Grant funds that become available when a grantee court withdraws from the program or does not spend its full grant award would be distributed to courts that are currently receiving Access to Visitation funds through a midyear reallocation process 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. It is anticipated that recommendations for the Access to Visitation Grant Program midyear reallocation for the contract period fiscal year 2017–2018 will come to the Judicial Council for approval at its September 14–15, 2017 meeting.⁵

Comments, Alternatives Considered, and Policy Implications

This proposal was not circulated for comment as the proposal applies the funding methodology adopted by the Judicial Council at its meeting of April 25, 2014, to the applications received under an open, competitive request for proposal that was also adopted by the council at its

⁵ The proposed reallocation of funding from the Superior Court of Mendocino County to the Superior Court of Del Norte County is the first time the Access to Visitation Grant has requested any reallocation of grant funds within the three-year funding period (i.e., contract period Fiscal Years 2015–2016 through 2017–2018).

meeting of December 12, 2014. Based on a determination by the co-chairs of the Family and Juvenile Law Advisory Committee that prompt action was needed pursuant to California Rule of Court, rule 10.75(o), the draft report with this recommendation was posted on the Family and Juvenile Law Advisory Committee webpage on June 19, 2017 and distributed to members of the committee. Based on established procedures, e-mail voting commenced on June 21, 2017 and concluded June 23, 2017. The committee received XXX public comments on this item.

Comments, Alternatives Considered, and Policy Implications

Additionally, the Family and Juvenile Law Advisory Committee considered whether a different methodology was available for consideration such as reallocation of the funds on a prorated basis to the Superior Court of Del Norte County since the contract period began on April 1, 2017 and funding would be less than the full 12-month contract period. However, the funding methodology approved by the Judicial Council does not contain any provisions for the reduction in the maximum grant amount the court is eligible to receive. The Superior Court of Del Norte County may determine to revert a share of the funds for further distribution through the midyear reallocation process, if they determine they will be unable to spend any portion of the grant funds. Judicial Council program staff will bring forth proposed recommendations to the committee for consideration regarding any available funds for reallocation through a midyear reallocation process to be approved by the Judicial Council through the adopted funding methodology. Grant funds that become available when the grantee court withdraws from program would be distributed to courts currently funded by the grant program based on a needs assessment of all requesting courts. The Judicial Council must approve any reallocation of grant funds.

Implementation Requirements, Costs, and Operational Impacts

Courts are required to contribute a 20 percent nonfederal match to the allocated funding. This requirement has been fulfilled by an in-kind match that covers implementation costs, such as procuring service providers, submitting program invoices, and data collection efforts. The Superior Court of Del Norte County will now be required to provide the full match for the \$45,000 funding allocation.⁶ The Judicial Council will execute a contract agreement with the designated administering court. The court will then execute memorandum of understanding with their local service provider—the courts community justice partner. Each court and service provider receiving funds is required to comply with all federal and state grant funding requirements—including all fiscal and administrative requirements—as well as grant terms and conditions set forth by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

Attachments

1. Attachment A: Family Code section 3204

⁶ The Superior Court of Del Norte County provided only a percentage share of the required match under the grant program with the Superior Court of Mendocino County.

2. Attachment B List of Superior Courts and Grant Award Amounts for Fiscal Years 2015–2016 through 2017–2018
3. Attachment C: Summary of RFP Grant Applicant Courts for Fiscal Years 2015–2016 through 2017–2018

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**Judicial Council of California
Operations and Programs 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.

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**Judicial Council of California
Operations and Programs Division
Center for Families, Children & the Courts**

ACCESS TO VISITATION GRANT PROGRAM

**List of Superior Courts and Grant Award Amounts
for Fiscal Years 2015–2016 and 2016–2017 and 2017–2018**

Superior Courts of California	Proposed Grant Funding Allocation
Superior Court of Butte County	\$60,000
Superior Court of El Dorado County	\$ 45,000
Superior Court of Los Angeles County	\$100,000
Superior Court of Mendocino County	\$60,000
Superior Court of Mono County	\$45,000
Superior Court of Orange County *	*
Superior Court of San Bernardino County	\$100,000
Superior Court of San Francisco County	\$100,000
Superior Court of Shasta County	\$ 60,000
Superior Court of Tulare County	\$100,000
Superior Court of Yuba County	\$ 60,000
Total	\$755,000 to \$770,000 **

* The Superior Court of Orange County will not receive full funding request. The proposal grant funding allocation for Superior Court of Orange County will depend on final federal allocation.

**The total proposal grant funding allocation range is \$755,000 to \$770,000 which includes allocation for Superior Court of Orange County.

**Judicial Council of California
Center for Families, Children & the Courts**

Summary of RFP Grant Applicant Courts for Fiscal Years 2015–2016 and 2016–2017 and 2017–2018

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount	Final Grant Award Allocation
1	San Bernardino*	San Bernardino	1	SO	X	X			171	100,000	100,000
2	Shasta	Shasta, Trinity	2	NO	X	X	X	X	170	60,000	60,000
3	Yuba	Yuba, Sutter	2	NO	X				169	60,000	60,000
4	El Dorado	El Dorado	1	NO	X	X			167	45,000	45,000
5	Mendocino	Mendocino, Del Norte	2	BA	X	X	X		167	60,000	60,000
6	Los Angeles*	Los Angeles	1	SO	X				166	100,000	100,000
7	Butte	Butte, Glenn	2	NO	X				161	60,000	60,000
8	San Francisco	San Francisco	1	BA	X	X	X		161	100,000	100,000
9	Mono*	Mono	1	NO	X	X			159	51,642	45,000
10	Tulare	Tulare, Kings	2	NO	X				157	100,000	100,000
11	Orange***	Orange	1	SO	X	X			156	100,000	***
	Subtotal		16							\$836,642	\$755,000 to \$770,000

1	San Mateo	San Mateo	1	BA	X	X	X		155	100,000	0
2	Amador	Amador, Calaveras	2	NO	X				155	75,000	0
3	Contra Costa**	Contra Costa, Alameda	2	BA	X	X			148	45,000	0
4	Santa Clara**	Santa Clara	1	BA	X				146	100,000	0
5	Napa**	Napa	1	BA	X	X			140	100,000	0
6	Sacramento**	Sacramento	1	NO	X	X			128	60,000	0
7	San Joaquin	San Joaquin	1	NO	X	X			117	50,000	0
8	Lake	Lake	1	BA	X	X	X		114	100,000	0
9	Merced	Merced	1	BA	X	X	X	X	34	22,768.80	0
	Total		27							\$1,449,411	

* These applicant courts will be newly funded under the Access to Visitation Grant Program.

** These applicant courts will be defunded (i.e., existing funding will be canceled for fiscal year 2014–2015).

***Will not receive full funding request. Final grant award amount will be depend on the final federal allocation.