



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 14–15, 2017

Title	Agenda Item Type
Access to Visitation Grant: Midyear Funding Reallocation for Fiscal Year 2017–2018	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	July 1, 2017
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	July 13, 2017
Hon. Jerilyn L. Borack, Cochair	Contact
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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation and distribution of unused Access to Visitation grant funds for the contract period of fiscal year (FY) 2017–2018. The Access to Visitation contract period for FY 2017–2018 began on April 1, 2017, and ends on March 31, 2018. Under established procedures adopted by the Judicial Council and described in the standard contract agreement with each superior court, funding will be distributed to those eligible courts currently receiving Access to Visitation grant funds through the midyear reallocation process based on a documented need for additional funding when unused funds become available through a grantee courts withdraw from the program and/or a court does not spend its full grant award. Grant funds cannot be used in subsequent years and any unspent fiscal year grant funds revert to the funder. 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 and distribute the unused funds to five of the nine eligible courts currently receiving Access to Visitation grant funds for the fiscal year 2017–2018 contract period.

The list of superior courts and the proposed midyear reallocation amounts is attached as Attachment A in this report, at page 6.

Previous Council Action

At its April 25, 2014 meeting, the Judicial Council adopted a new funding methodology for California’s Access to Visitation Grant Program, effective FY 2015–2016. Under the approved funding methodology, Judicial Council staff was instructed to conduct an open competitive request for proposals (RFP) process for the superior courts to apply for federal fiscal year 2015–2016 through 2017–2018 funding. On July 12, 2014, Judicial Council staff released an open RFP grant application to the courts for federal grant fiscal years 2015–2016 through 2017–2018 funding. CFCC received 20 grant applications from the superior courts, which represented 27 counties and involved 35 subcontractor agencies (i.e., local community-based service providers as justice partners under the grant program to provide the services on behalf of the courts to families).

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 federal grant fiscal years 2015–2016 through 2017–2018 funding (each federal fiscal year). A summary of specific details regarding the grant application review and selection process is available at <http://www.courts.ca.gov/documents/jc-20141212-itemB.pdf> (see Attachment C).

Rationale for Recommendation

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.¹ These grants enable states to establish and administer programs that support and facilitate noncustodial parents’ access to and visitation with their children. 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

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).

In December 2014, resulting from an open, competitive request for proposal (RFP) and grant application process, the Judicial Council approved funding allocation awards to 11 superior courts for federal grant fiscal years 2015–2016 through 2017–2018 (i.e., three years of funding, subject to the availability of federal funding each fiscal year). The final year of the three-year funding cycle is the Access to Visitation contract period of fiscal year (FY) 2017–2018.

The federal funding for this program is extremely limited. Since inception of the program in 1997, funding has remained at a fixed level, and no increase is expected in the foreseeable future. The need for access to visitation services is high. The existing funding levels cannot meet the current demand for services. Under the Child Access and Visitation Grant Program, the federal Office of Child Support Enforcement is required to monitor and track whether states have spent their full grant award allocation for the fiscal year. Under federal guidelines, unused funds do not roll over to the next fiscal year but revert to the federal government. Under the Judicial Council approved funding methodology for the Access to Visitation Grant Program, 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.

As a result of the midyear reallocation process, a total of \$81,200 in unused funds was requested and is available for midyear reallocation to eligible courts currently receiving Access to Visitation funds for the contract period of fiscal year 2017–2018. Under the established midyear reallocation process described in the standard agreement with each superior court, a detailed questionnaire was sent to each court requesting the information needed to evaluate appropriate funding reallocation levels.

Funding Reallocation Amounts

A total of \$160,000 in unused funds for the contract period of fiscal year 2017–2018 is available for midyear reallocation to courts currently receiving Access to Visitation funds resulting from three superior courts withdrawal from the grant program.

A total of \$81,200 was requested from five of the nine courts currently receiving Access to Visitation grant funding for additional fiscal year 2017–2018 funding, if unused funds became available through the midyear reallocation process. Three of the grantee courts indicated they did not want additional grant funds if additional funding was available. Under the established allocation procedures for this program, 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 for courts to submit a justification for why they should receive additional funding. All of the nine courts currently receiving Access to Visitation grant funding were eligible to receive the unused funds as part of the midyear reallocation process.

Based on the nine courts response to the midyear reallocation questionnaire, the proposed recommendation is to redistribute the \$81,200 in unused funds to these eligible courts for the contract period of FY 2017–2018. Because the unused funds exceed the requested funds available, the five courts should be allocated the proposed midyear allocation amount that they requested. In addition, if any of the unused funds are not spent by the currently funded Access to Visitation grantee courts, these funds will be used to provide various statewide services that will benefit all courts, including supervised visitation program technical assistance, education and training to meet the statutory requirements of Family Code sections 3200.5 and 3202(a), and production of supervised visitation program brochures and policy and procedure materials for best practice implementation of Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Supervised Visitation Providers). A summary of the courts’ midyear reallocation funding requests and the proposed distribution and reallocation of the unused funds to the eligible courts currently receiving Access to Visitation funding is in Attachment A.

Comments, Alternatives Considered, and Policy Implications

The Family and Juvenile Law Advisory Committee which performs oversight functions for the grant program, considered the following alternatives. The committee considered taking no action, but rejected this action because it would result in the reversion of unspent funds back to the funder. Taking no action would also deprive courts of the option of using these funds to provide much needed service delivery for families waiting for the grant-related services. A number of courts commented in their questionnaire that inadequate funding continues to impede their ability to meet service demands and avoidance of waiting lists.

Additionally, the Family and Juvenile Law Advisory Committee considered whether a different methodology was available for consideration regarding the reallocation of the unused grant funds but determined that the Judicial Council has approved through the adopted funding methodology for the Access to Visitation Grant Program the required process and procedures for reallocation of unused grant funds under the program. A detailed midyear reallocation questionnaire with documented justification for additional funding was completed by all of the requesting courts and used to develop the allocation recommendations.

Implementation Requirements, Costs, and Operational Impacts

The Judicial Council will execute an amended contract agreement with the superior courts awarded additional funding. The courts will then execute a revised memorandum of understanding with their local service providers. Each court and service provider receiving funds is required to comply with all federal and state grant-funding requirements. Grant recipients must also comply with 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: List of Superior Courts and Proposed Grant Funding Reallocation Amounts for Fiscal Year 2017–2018, at page 6.
2. Attachment B: Fam. Code, § 3204, at pages 7–8.

ATTACHMENT A

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

ACCESS TO VISITATION GRANT PROGRAM

*List of Superior Courts and Proposed Grant Funding Reallocation Amounts
for Fiscal Year 2017–2018*

Superior Courts of California	Current Grant Funding Allocation	Midyear Reallocation Funding Requests	Proposed Midyear Reallocation Amount
Superior Court of Butte County ³	\$60,000	\$0	\$0
Superior Court of Del Norte ⁴ County	\$45,000		
Superior Court of Mono County ⁵	\$45,000	\$0	\$0
Superior Court of Orange County	\$40,000	\$15,000	\$15,000
Superior Court of San Bernardino County	\$100,000	\$0	\$0
Superior Court of San Francisco County	\$100,000	\$25,000	\$25,000
Superior Court of Shasta County	\$60,000	\$34,000	\$34,000
Superior Court of Tulare County	\$100,000	\$2,200	\$2,200
Superior Court of Yuba County	\$60,000	\$5,000	\$5,000
TOTAL	\$610,000	\$81,200	\$81,200

³ The Superior Court of Butte County did not request additional funding for fiscal year 2017–2018.

⁴ The Superior Court of Del Norte County did not request additional funding for fiscal year 2017–2018.

⁵ The Superior Court of Mono County did not request additional funding for fiscal year 2017–2018.

ATTACHMENT B

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.