



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: March 1–2, 2018

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Title	Agenda Item Type
Judicial Council Report to the Legislature: California’s Access to Visitation Grant Program (Federal Fiscal Years 2016–17 and 2017–18)	Action Required
	Effective Date
	March 1, 2018
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	January 26, 2018
Recommended by	Contact
Family and Juvenile Law Advisory Committee	Shelly La Botte, 916-643-7065 <a href="mailto:shelly.labotte@jud.ca.gov">shelly.labotte@jud.ca.gov</a>
Hon. Jerilyn L. Borack, Cochair	
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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving *California’s Access to Visitation Grant Program (Federal Fiscal Years 2016–17 and 2017–18): 2018 Report to the Legislature* for submission to the Legislature. The report provides information on the programs funded for federal fiscal years 2016–17 and 2017–18 under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. This report to the Legislature must be submitted on even-numbered years, as required by Family Code section 3204(d). The report contains no formal recommendations.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective March 1, 2018:

1. Approve *California's Access to Visitation Grant Program (Federal Fiscal Years 2016–17 and 2017–18): 2018 Report to the Legislature* (Attachment A); and
2. Direct the staff of the Administrative Director of the Judicial Council to submit the report to the Legislature.

### **Previous Council Action**

Family Code section 3204(d) requires the Judicial Council, on the first day of March of each subsequent even-numbered year, to report to the Legislature on the Access to Visitation Grant programs funded by the family law division of the superior courts. Judicial Council staff directly submitted these reports to the Legislature. The previous 11 reports to the California Legislature are available at [www.courts.ca.gov/cfcc-accessstovisitation.htm](http://www.courts.ca.gov/cfcc-accessstovisitation.htm).

### **Rationale for Recommendation**

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>1</sup> These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 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 use of the funds in California, however, is limited by state statute to three types of programs:<sup>2</sup>

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

Family Code section 3204(d) requires the Judicial Council, on the first day of March of each subsequent even-numbered year, to report to the Legislature on (1) the programs funded and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of children; and (2) the other goals of the grant program. The report provides a snapshot of the number of clients served, number of participants, and hours of service delivery administered during the grant-funding period. In fulfillment of the statutory requirement, this report details the programs funded in California for federal fiscal years 2016–17 and 2017–18.

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<sup>1</sup>Fam. Code, § 3204(a).

<sup>2</sup>Fam. Code, § 3204(b)(1).

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

The attached report was posted for public comments as required under California Rules of Court, rule 10.75, as part of the committee taking action by teleconference. Grant recipient courts, their local service providers/subcontractors, and California's Access Visitation Grant Program Data Collection and Reporting System provided the information contained in this report. The report contains no formal recommendations. Because the submission of this report is required by statute, no alternatives were considered.

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

No costs or operational impacts result from approving the report for submission to the Legislature.

## **Attachments**

1. Attachment A: *California's Access to Visitation Grant Program (Federal Fiscal Years 2016–17 and 2017–18): 2018 Report to the Legislature*
2. Attachment B: Family Code sections 3200–3204

# California's Access to Visitation Grant Program (Federal Fiscal Years 2016–17 and 2017–18)

2018 REPORT TO THE LEGISLATURE



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS

DRAFT

California's  
Access to Visitation Grant Program  
(Federal Fiscal Years 2016-17 and  
2017-18)

MARCH 2018

DRAFT



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
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# California's Access to Visitation Grant Program (Federal Fiscal Years 2016–17 and 2017–18)

## 2018 Report to the Legislature

### Executive Summary

With an annual federal appropriation of \$10 million, 54 states (including the District of Columbia, Guam, Puerto Rico, and Virgin Islands) have been able to provide access and visitation services to noncustodial parents and their families since the inception of the federal Child and Visitation Grant Program in 1997. The federal “Grants to States for Access and Visitation” Program (42 U.S.C. § 669b) was authorized by Congress through passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Federal funds are granted to states based upon the number of children in single-family households.

According to the Congressional statute, states may use the federal grant funds to establish and administer programs to support and facilitate noncustodial parents’ access to, and visitation with their children. Federal funding activities include mediation, development of parenting plans, visitation enforcement, education, counseling, and development of guidelines for visitation and alternative custody arrangements. The use of federal Child Access and Visitation Grant funds in California is limited by state statute to three types of programs: supervised visitation and exchange services, parent education, and group counseling services that are administered directly or through contracts or grants with courts, local public agencies, or nonprofit entities. Additionally, states are required to provide at least 10 percent of project funding (state match) of the federal grant award amount. Grant recipient courts and/or local service providers/subcontractors can fulfill this state match requirement via cash or in-kind contributions.

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant Program funding from the Administration for Children and Families and to award this funding to the superior courts throughout California. The Judicial Council’s Family and Juvenile Law Advisory Committee makes recommendations to the Judicial Council on the allocation of grant funding. The Judicial Council Center for Families, Children & the Courts (CFCC) staff has responsibility for managing the grant program.

California Family Code section 3204(d) also directs the Judicial Council to:

[R]eport to the Legislature on the [Access to Visitation] programs funded... 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....

For federal fiscal years 2016–17 and 2017–18,<sup>1</sup> the California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents (hereinafter referred to “AV”) served primarily low-income,<sup>2</sup> noncustodial parents and their children. Superior court AV-funded programs included regional court collaborations and community-based, nonprofit subcontractor service providers. Pursuant to Family Code section 3203, the supervised visitation and exchange programs, parent education and group counseling services allowed noncustodial parents and their children to participate in the AV-funded service activities 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. As set forth in Family Code sections 3203 and 3204, low-income, divorced and/or separated, or unmarried noncustodial parents who are involved in custody and visitation proceedings under the Family Code were identified as the targeted population recipients for AV services. See Appendix B, Family Code sections 3200–3204.

Federal and state goals of the grant program are to “*remove barriers and increase opportunities for biological parents, not living in the same household as their children, to become more involved in their children’s lives*”<sup>3</sup> while ensuring the health, safety, and welfare of children. California’s Access to Visitation Grant Program service activities have been helpful in maximizing noncustodial parenting time by providing opportunities for noncustodial parents to establish healthy and positive relationships with their children. The grant program seeks to promote and encourage healthy parent-child relationships by:

- Improving parents’ compliance with court orders;
- Increasing the likelihood of financial support for children through increased child support payments;
- Facilitating contact between noncustodial parents and their children;
- Teaching parents effective conflict resolution and communication skills for problem solving and strategies for coparenting; and

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<sup>1</sup> All references to “fiscal year” refer to the federal fiscal year unless otherwise indicated. The federal fiscal year is from October 1 through September 30, and the Access to Visitation state grant funding cycle refers to the contract agreement period that begins on April 1, and ends on March 31.

<sup>2</sup> The use of the term “low-income” for noncustodial parents and their children served under California’s AV grant program refers to those families as having no income, or the individual annual income before taxes of less than \$10,000, or the individual annual income before taxes between \$10,000–\$19,000 and \$20,000–\$29,999. Individual annual income before taxes (including all sources of income) under California’s AV Grant Data Collection and Reporting System means the individual income of the parent. Annual income includes all sources of income (e.g., employment, public assistance, unemployment insurance, child support) but does not include the income of other household members. Under Federal Office of Child Support Enforcement (OCSE) required data collection, the data element of “annual income” is not defined regarding what constitutes low-income and annual income refers to information for each client served: parents, grandparents, and legal guardians.

<sup>3</sup> U.S. Department of Health and Human Services, Administration of Children and Families, Office of Child Support Enforcement, State Access and Visitation Administrators, State Profiles Information, Memorandum (1998).

- Increasing opportunities for noncustodial parents and their children to maintain continued contact, such as through safe and secure supervised visitation services that allow noncustodial parenting time.

The program service interventions have been instrumental in supporting increased noncustodial parenting time and helping parents rebuild and sustain healthy parent-child relationships. In the absence of AV-funded services for supervised visitation and exchange, noncustodial parenting time by court-ordered supervised visitation/exchange services are often not safe, affordable, or available for families. As a result, noncustodial parents and children from low-income families often lose contact with one another because the parent is unable to facilitate the visitation, or satisfy the requirement of the court order that visitation be professionally supervised. The AV-funded parent education and counseling programs seek to help parents—divorced, separated, and never married—obtain a greater understanding of how divorce and separation affect their children and what they can do to make the circumstances easier for their children. The grant service activities help parents recognize and address the emotional consequences of separation and divorce by learning techniques and strategies for communicating better to reduce conflict.

For federal fiscal years 2016–17 and 2017–18, the grant program successfully provided statewide services to 2,264 clients. Clients served under the *California’s Access to Visitation Data Collection and Reporting System* include the total number of fathers, mothers, grandparents, and legal guardians who received direct services. Each person who received direct services was only counted once within a federal fiscal year regardless of the number of times the person used an AV program during that time span. Moreover, of the clients served, 1,761 children were served and 189,840 hours of service delivery were provided by grant recipient courts and their local service providers under the grant program.

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. Federal funding for the grant program has been stagnant with no increase in funds since 1997. The reduction in access to visitation services means that the courts, together with their subcontractors, must continue to struggle to meet the ever-increasing demand for services, the ever-increasing need for affordable, available, and accessible services statewide, and subsidized financial assistance.

The demand for the grant-related services outpaces the resources available to offer the services. Nevertheless, the Access to Visitation Grant Program will continue to work closely with the Federal Office of Child Support Enforcement, the Judicial Council Family and Juvenile Law Advisory Committee, courts, grant recipients, key stakeholders, and the state Legislature to address funding challenges for California families in need of access to visitation services.

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## Introduction

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2258) was signed into law. Beginning in 1997, Congress authorized \$10 million in block grants—Grants to States for Child Access and Visitation—as part of PRWORA to enable states to establish programs that support and facilitate noncustodial parents’ visitation with and access to their children. The Judicial Council is required to annually apply to the U.S. Department of Health and Human Services, Administration of Children and Families, Office of Child Support Enforcement,<sup>4</sup> under section 669B of PRWORA, for federal Child Access and Visitation Grant Program funds<sup>5</sup> and to award this funding to the superior courts throughout California.

California Family Code section 3204(d) also directs the Judicial Council to:

[R]eport to the Legislature on the [Access to Visitation] programs funded... 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....

This report provides the Legislature with information on the programs funded for federal fiscal years (FYs) 2016–17 and 2017–18 under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.<sup>6</sup> The report also provides a snapshot of the clients served, number of participants, and hours of service delivery administered during the grant funding period.

Although the report makes no formal recommendations, the existing inadequacy of program funding to ensure accessible affordable services statewide remains an ongoing challenge. Federal funding for the grant program has been stagnant with no increase in funds since 1997. The need for access to visitation services is high, and current funding levels cannot meet the demand for services.

### **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

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<sup>4</sup> Fam. Code, § 3204(a).

<sup>5</sup> Fam. Code, § 3204(a).

<sup>6</sup> All references to fiscal year refer to the federal fiscal year unless otherwise indicated. The federal fiscal year is from October 1 through September 30, and the Access to Visitation state grant funding cycle refers to the contract agreement period that begins on April 1 and ends on March 31.

Enforcement.<sup>7</sup> These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 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. Funding allocations to states are based on the number of single-parent households.<sup>8</sup> California receives the maximum amount of eligible funds (approximately \$935,000 annually), which represents less than 10 percent of the total national funding. States are required under the grant to provide a 10 percent state match share. The California Access to Visitation Grant Program requires an additional 10 percent match for a total of 20 percent (nonfederal) match under the grant program. The additional 10 percent match by either the court and/or its local service provider/subcontractor aims to assist with program sustainability planning.

*Federal and State Program Goals.* Congress' stated 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's lives."<sup>9</sup> Under the federal statute, Child Access and Visitation Grant funds may be used to:

[S]upport 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>10</sup>

The use of the funds in California, however, is limited by state statute to three types of programs:<sup>11</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 (1) 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>12</sup> and (2) to promote and encourage healthy

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<sup>7</sup> Fam. Code, § 3204(a).

<sup>8</sup> The statistical data used to determine the formulaic distribution of funding to the states is based on the U.S. Census data. The federal funding allocation formula is based on the number of single-parent households.

<sup>9</sup> See 42 U.S.C. § 669b.

<sup>10</sup> *Ibid.*

<sup>11</sup> Fam. Code, § 3204(b)(1).

<sup>12</sup> *Id.*, § 3203.

relationships between noncustodial parents and their children while ensuring the children's health, safety, and welfare.<sup>13</sup> The overarching policy goal of the grant program has been to ensure accessible and available services statewide for low-income families with children whose custody and visitation issues are now or have been before the family courts.

*Eligible Grant Recipient Services (Target Population).* The recipients of California's Access to Visitation Grant Program are low-income separated, separating, divorced, or unmarried parents and their children who are involved in custody and visitation proceedings under the Family Code. Grant funds serve noncustodial parents (i.e., fathers and/or mothers who do not live with their children) as the target population clientele.<sup>14</sup> This is not a grant for children. Child Access and Visitation Grant Program funds should predominately allow for direct services, and the proposed grant-funded service activities must increase and support the biological noncustodial parent that does not have access to and parenting time with their children. All other goals are subordinate or secondary benefits resulting from the grant program.

*Funding Allocation to States.* Federal grant funds are awarded to the states effective October 1 of each federal fiscal year (FY), and those funds are allocated to the courts for a 12-month period beginning the following April. California's Access to Visitation Grant Program funding period begins on April 1 and ends on March 31 the following year.<sup>15</sup> The federal funding allocation to the state of California for federal FY 2016–17 was \$934,549, and the grant award amount for federal FY 2017–18 was \$925,419.<sup>16</sup> On December 12, 2014, the Judicial Council approved the funding allocation and distribution of approximately \$755,000 to \$770,000 to 11 superior courts for California's Access to Visitation Grant Program for fiscal years 2015–16 through 2017–18.<sup>17</sup>

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<sup>13</sup> *Id.*, § 3204(d).

<sup>14</sup> Supervised visitation and exchange services are for noncustodial parents (not custodial parents, grandparents, distant relatives, etc.). According to the goal of the federally funded Child Access and Visitation Grant Program, grant funding to the states increases opportunities for *biological parents who are not living in the same household as their children* to become involved in their children's lives.

<sup>15</sup> California's Access to Visitation Grant Program funding period follows the standard contract agreement period for the grant program, which begins on April 1, and ends on March 31, each fiscal year. The grant program does not operate on the federal fiscal year cycle (i.e., October 1 through September 30) except for the required data collection-reporting period each fiscal year.

<sup>16</sup> Federal grant funding allocations to the states are on a formula: the number of single-parent households based on the U.S. Census data. California's grant award allocation for federal fiscal year 2016–17 was \$934,549, and for federal fiscal year 2017–2018 the grant award amount was \$925,419. The state of California received a reduction of approximately \$12,000 in grant award funding for federal fiscal year 2016–17 based on the decreased number of single-family households for federal fiscal year 2016–17, as well as an additional reduction of approximately \$11,000 based on the number of single-family households for federal fiscal year 2017–18.

<sup>17</sup> The difference between the federal funding allocation to the state and the \$755,000–\$770,000 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 the inception of the grant program in 1997.

*Program Administration.* The Judicial Council is charged with overall responsibility for administering Access to Visitation Grant Program funds under Family Code section 3204(a). In addition to federal terms and conditions and the Family Code statutory provisions governing the administration of the grant funds (Fam. Code, §§ 3200–3204), the grant program receives guidance from the Judicial Council’s Executive and Planning Committee, the council’s Family and Juvenile Law Advisory Committee, and the federal Administration for Children and Families. The Judicial Council Center for Families, Children & the Courts (CFCC) has primary responsibility for managing the grant program.

### **Grant Funding Eligibility**

Family courts throughout California are eligible to apply for and receive Access to Visitation Grant Program 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 that wish to participate are not allowed to apply directly for these grant funds, but instead must do so as part of that court’s Access to Visitation Grant Program application. Contract agreements are made only with the designated superior court.

### **Grant Funding Criteria and Amounts**

Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants. The Judicial Council has approved both the funding allocation process and the amount of funds distributed to the courts since the inception of the grant program in FY 1997–98.

California’s Access to Visitation Grant funding allocation formula, or funding cap scheme, sets the maximum grant funding levels based on county population as adopted and approved by the Judicial Council in federal FY 2003–04. In federal FY 2012–13, the Judicial Council approved creation of an Access to Visitation Stakeholder Workgroup charged with proposing new funding options for federal FY 2014–15 including development of alternatives that more equitably distribute funding while maintaining program objectives. On April 25, 2014, the Judicial Council approved a new funding methodology for California’s Access to Visitation Grant Program, effective federal FY 2015–16. Subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding would receive continuation funding for three years (from federal fiscal years 2015–16 through 2017–18). The request for proposals (RFP) process would then reopen in federal FY 2018–19 for another three-year funding period, with a permanent open RFP process and grant funding for selected courts awarded every three years thereafter.

The new grant funding cap and grant funding amounts are divided into three categories: maximum of \$45,000, maximum \$60,000, and maximum of \$100,000. Two demographic factors are 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 is 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 also relies on U.S. Census data. Each of these factors is weighted equally, so the number of single-parent households in each county is multiplied by 50 percent and the number of persons below the poverty level in each county is multiplied by 50 percent. The combined number for each county is then grouped. The counties in the top third are eligible for up to \$100,000, the counties in the middle third are eligible for up to \$60,000, and the counties in the lower third are eligible for up to \$45,000 in funding. A list of superior courts and grant amount eligibility is available at <http://www.courts.ca.gov/cfcc-accesstovisitation.htm>.

### **Midyear Reallocation**

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 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, California's program instituted a midyear reallocation process to allow the state and grant recipient courts to assess spending to determine whether potential funds will be redistributed among the grantees. Judicial Council staff conducts a midyear reallocation process during the fiscal year funding period to determine whether grant recipient courts and their subcontractors will spend their full grant award. Each grant recipient court receives a midyear reallocation questionnaire that helps Judicial Council program staff evaluate (using established criteria) the grant recipient court/subcontractor funding needs and to determine whether courts will use their full grant award allocation.

Under the Judicial Council's approved funding allocation methodology for the grant program effective FY 2015–16, grant funds that become available when a grantee court withdraws from the program or does not spend its full grant award will be distributed to courts that are currently receiving Access to Visitation grant funds through a midyear reallocation process. Reallocation of additional funds is 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. The Judicial Council must approve any reallocation of grant funds.

### **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.

**“Supervised visitation and exchange”** under California’s Access to Visitation Grant Program is “visitation between the 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.” “On-site supervised visitation” refers to court-ordered visitation that occurs directly on the premises of the visitation center facility where the parent and child cannot leave the facility location during the visit. The following are the only types of onsite supervised visitation services permitted under the grant.

- One-to-one supervised visitation (sometimes called monitored visitation) is the observation and supervision of the parent-child contact by the professional provider during the scheduled visitation session.
- Group or multiple supervised visitation is the observation and supervision of multiple families or a group of families all at one time in a group setting during the scheduled visitation session.

Eligible providers of supervised visitation and exchange services are local public agencies<sup>18</sup> or nonprofit entities that satisfy the Uniform Standards of Practice for Providers of Supervised Visitation. The Uniform Standards of Practice is available at [http://www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5\\_20](http://www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5_20)

**“Parent education”** for purpose of the federal Child Access and Visitation Grant Program includes, but is not limited to, parent education classes provided by the court or community-based organizations to help parents develop healthy coparenting relationships, to understand the benefits of shared parenting and parenting time agreements, and to obtain information on court procedures involved in visitation and custody orders. The goal is to help parents obtain coparenting skills to help reduce parental conflict. Family Code section 3201 provides “education about protecting children during family disruption (parent education),” 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.

Eligible providers of education are professionals with a bachelor’s or master’s degree in human behavior, child development, psychology, counseling, family-life education, or a related field, and with specific training in subjects related to child and family development, substance abuse, child abuse and neglect, child sexual abuse, domestic violence, effective

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<sup>18</sup> Under Government Code section 66905.8, local public agency means a city, county, district, or joint powers agency. Under the Public Resources Code section 31017, “public agency” includes but is not limited to, local public agencies, state agencies, federal agencies, colleges and universities, intergovernmental bodies, and federally recognized Indian tribes. For purpose of the California Access to Visitation Grant Program, the legislative intent behind “local public agency” as being an eligible provider under the grant per Family Code section 3202(b)(1) was to allow colleges and universities to provide services as a grant recipient.

parenting, and the impact of divorce and interparental conflict on children, or interns working under the direct supervision of such professionals.<sup>19</sup>

“**Group Counseling**” services for purposes of the federal Child Access and Visitation Grant Program includes, but is not limited to, services provided by mental health professionals, social workers, etc., to help parents work through their interpersonal conflicts by focusing on the best interest of the child and the importance of shared parenting. Desired results include reduced parental conflict, increased noncustodial parent (NCP) access to his or her children; and/or an improvement in coparenting relationships. Counseling services must focus on access- and visitation-related issues. Eligible providers of group counseling are professionals licensed to practice psychotherapy in this state—including, but not limited to, licensed psychiatrists, licensed psychologists, licensed clinical social workers, and licensed marriage and family therapists—or mental health interns working under the direct supervision of professionals licensed to practice psychotherapy.

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

California’s Access to Visitation Grant Program funded service activities have been instrumental in maximizing noncustodial parenting time by 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 strategies for coparenting separately; and
- Increasing opportunities for noncustodial parents and their children to maintain continued contact through safe and secure supervised visitation and exchange services that allow noncustodial parenting time with trained skilled professionals.

*Supervised Visitation and Exchange Service Activity.* All supervised visitation and exchange programs funded through California’s Access to Visitation Grant Program must comply with Family Code section 3200.5 and Standard 5.20 of the California Standards of Judicial Administration (*Uniform Standards of Practice for Providers of Supervised Visitation*). These standards include the duties and obligations for providers of supervised visitation under Family Code section 3200 and 3200.5. The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation. The standards include best practice considerations and policies governing qualifications, training, safety and security procedures, confidentiality, maintenance and disclosure of records, safety considerations for sexual abuse cases and working with domestic violence, abduction protocols, terms and conditions for the visit, and requirements for suspension and termination of visitation services relative to safety and violation of the rules and/or court order for visitation. Additionally, grant recipient courts and local service

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<sup>19</sup> Fam. Code, § 3203.

providers/subcontractors selected for grant funding must certify compliance with Standard 5.20 through submission of a Certification Statement for Standard 5.20 and Family Code section 3200.5 as part of the standard Judicial Council contract agreement. This also includes completion of Judicial Council form FL-324 (*Declaration of Supervised Visitation Provider*) regarding compliance with the statutory requirements.

California's Access to Visitation Grant supervised visitation and exchange services have positively impacted noncustodial parenting time in that court-ordered supervised visitation and/or exchange services are often not available or affordable for parents, or parents have to use nonprofessional supervised visitation providers that are not trained. Often low-income families lose contact with one another because the parent is unable to facilitate the visit because of cost and accessibility barriers. The grant program aims to support the goal of noncustodial parent's access to and visitation with their children by increasing the likelihood of financial subsidized assistance to help satisfy the requirement of the court order that visitation be professionally supervised, as well as ensuring that supervised visitation site locations are easily accessible throughout the grant recipient county regions.

Supervised visitation and/or exchange services provide an essential service intervention for cases where there are potential risks of abuse or violence, mental illness, substance abuse, or parenting concerns. A safe, child-friendly, and neutral environment that allows for contact between the noncustodial parents and the child, *when appropriate*, in turn helps noncustodial parents connect with their children, strengthens the parent-child relationship, and encourages noncustodial parents to continue to access the program service.

*Parent Education and Group Counseling Service Activities.* California's Access to Visitation parent education and counseling programs are designed to support and facilitate noncustodial parents access and visitation with their children by teaching noncustodial parents how to put parenting agreements into effect that (1) encourage and promote the best interests of their children; (2) rebuild and sustain healthy parent-child relationships; and (3) provide opportunities for noncustodial parents to become more involved in the lives of their children by focusing on maximizing their opportunity to be with their child and on their emotional growth in the relationship they have with their children in a safe, stress-free environment with the parent education and/or counseling facilitators.

The parent education programs seeks to help parents obtain a greater understanding of how separate parenting affects their children and what they can do to make the circumstances easier for their children. Both service activities help parents recognize and address the emotional consequences of separation and divorce by learning techniques and strategies for communicating better to maintain contact and a relationship with their children.

The AV-funded service activities have impacted noncustodial parenting time by helping parents (1) use constructive methods for dealing with their feelings and experiences about the divorce or separation; (2) talk about changes in the family; (3) receive information and resources on parenting and child support; and (4) increase their understanding about the



basic legal process of separation and divorce, and custody decision-making, which impact noncustodial parents' parenting time and access and visitation with their children.

### **Program Monitoring**

According to 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 to monitor grantee programs. These resources include feedback from the courts, clients, community stakeholders, and service providers at 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 requirements; questionnaires submitted to service providers; focus group and regional meetings (including an annual program administrators meeting and grantee orientation); compliant/grievance processes; technical assistance and training; monthly submission of invoices to ensure funds are properly spent; and data collection and document analysis.

In addition, grant recipients 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 information about the families served by the program. Monitoring of service providers is also conducted through submission of biannual progress summary reports. The biannual report provides a thorough and accurate account of project activities and progress during the required reporting period. It includes a detailed discussion of the clients served, programmatic issues and problems encountered, proposed changes and/or modifications of project tasks as outlined in the contract agreement, financial status and progress of spending, and any challenges or concerns regarding administration or operation of the grant program. The reports paint a clear and concise picture of how the program has been operating during the grant funding cycle.

Furthermore, to ensure grant recipients adherence to timely submission of federal and state grant reporting requirements, Judicial Council program staff uses an *Acceptance and Sign-Off Form* containing a *Description of Work Provided by Court* required under the grant program. Under the Judicial Council's standard contract agreement, the court/subcontractors are required to provide the work to the state in accordance with direction from Judicial Council program staff. The state is required to accept the work, provided the court has delivered the work in accordance with the criteria outlined in the contract agreement. Judicial Council program staff utilizes this form to notify grant recipients regarding the work's acceptability.

Moreover, grant recipients under California's Access to Visitation Grant Program must monitor and evaluate whether the programs are doing what they are intended to do and whether the programs are accomplishing program goals and objectives. Grant recipient

programs use a 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 Recipient Court Innovation and Efficiency**

*Access to Visitation Program Accomplishments for Fiscal Years 2016–17 and 2017–18.* Since the inception of the grant program in 1997, federal funding has remained at a relatively fixed level, and no increase is expected or likely in the future. The need for access to visitation services is high. Funding at existing levels cannot meet the current demand for services. However, California’s Access to Visitation Grant Program has been dedicated to ensuring that the AV-funded service activities are widely available, accessible, and affordable for low-income families statewide. With the support of federal grant funding for federal fiscal years 2016–17 and 2017–18, free and low-cost sliding-scale services have now been made available in 18 counties with 2,264 clients served under the grant program. (The total number of clients include fathers, mothers, grandparents, and legal guardians.) Additionally, of the clients served during federal fiscal years 2016–17 and 2017–18, grant recipient courts/subcontractors provided 189,840 in direct-service delivery hours for the grant-related services.

Given the funding limitations and the inability to meet statewide needs, the Judicial Council CFCC Access to Visitation Grant staff has worked to develop various resource tools to assist grant recipient courts and local service providers/subcontractors statewide with program service delivery challenges regarding best practice implementation on Standard 5.20 of the California Standards of Judicial Administration and Family Code section 3200.5. For instance, Judicial Council program staff provided approximately 12 Standard 5.20 and Family Code section 3200.5 training and education programs to assist practitioners statewide in meeting the statutory requirements. The trainings involved Access to Visitation grant recipients, court staff, professional providers of supervised visitation, and other multidisciplinary professionals. Additionally, as a means to maximize statewide participation and reduce training costs, program staff also collaborated with the California Association of Supervised Visitation Service Providers (CASVSP ([www.casvsp.org](http://www.casvsp.org))) on numerous webinar trainings between fiscal years 2016–17 and 2017–18. Moreover, the grant program has created numerous supervised visitation education tools and sample template forms for implementation on Standard 5.20, as well as development of a new publication titled *A Guide for Parents: Understanding Supervised Visitation Services* that includes several supplemental resources: a tip sheet and two YouTube videos regarding the supervised visitation process.

*Grant Recipient Court Innovative Program Practices.* The following grant recipient courts and their local service provider/subcontractor programs have developed and enhanced service delivery by improving overall program efficiency and access to services for noncustodial parents. The various superior court Access to Visitation Grant Programs have strived to maximize grant funds and improve cost effectiveness through innovative

strategies designed to help reduce program costs and stretch available resources.

1. *Superior Court of California, County of Orange Access to Visitation Keeping Kids Safe (KKS) Program.* To maximize the use of grant funds, this program uses interns and volunteers to perform a variety of grant-related tasks, shifting these responsibilities from the subcontractor agency, which allow, in turn, the subcontractor agency to focus on providing more direct supervised visitation and exchange services for noncustodial parents. Under Standard 5.20, prior to the commencement of supervised visitation services, the programs are required to conduct a comprehensive intake with both parents to determine the nature and degree of risk in each case. Once trained, the interns and volunteers conduct the required program intake at the courthouse, which allows the noncustodial parent to begin the intake process at court, which in turn, reduces the time spent by the subcontractor agency completing required paperwork. In addition, this approach allows the noncustodial parent to visit with his or her child in a timely manner after the intake process. This also reduces program overhead costs so grant funds can be used for more direct service delivery. The program's use of trained volunteers has helped with clerical support, case follow-up, and in some instances, additional staff available to work as professional providers of supervised visitation. This innovative measure contributes to grant program sustainability, decreases program costs—more funds used to meet noncustodial parents' access and visitation needs—and provides an opportunity for interns/volunteers to give back in a meaningful way to the court-community.
2. *Superior Court of California, County of San Francisco Access to Visitation Internship and Bookend Program.* Similar to the Golden Gate Family Access Collaborative Program operated by the Superior Court of Orange County, the grant program administered by the Superior Court of San Francisco County recruits and trains interns every year from the Bay Area universities from various disciplines (especially the social work programs) to work as professional providers of supervised visitation under the grant program. According to the court/subcontractor, this in-kind effort contributes an average of \$50,000 annually in-service hours to the program and provides overhead and infrastructure support to the grant program that is a cost saving measure. Additionally, the subcontractor agency has been testing a unique new model of service called "Bookend" visits that includes both supervised visitation and exchange services for a noncustodial parent.

Under the model, the court will order 15–30 minutes of supervised visitation and documentation of the parent-child contact at the beginning and end of the supervised exchange. This approach was developed to provide the court with additional documentation about the interactions and relationship between the noncustodial parent and the child in cases when the court is not certain and remains concerned about the risk in the case and/or determination regarding whether the noncustodial parent is ready to transition to exchange services and/or nonsupervised visitation. This technique is unique because supervised visitation and exchange

services are typically two separate services. The program integrated the two service delivery components into one as a measure to address the safety and protection concerns of the court while working to support the efforts of the noncustodial parent in transitioning out of supervised visitation and exchange services.

3. *Superior Court of California, County of Shasta Access to Visitation Supervised Visitation and Parent Education “Quick Start Program.”* This rural superior court and supervised visitation community undertook an effort to reconsider how supervised visitation services were meeting the needs of both parents in addressing challenges related to the high rates of parental no-show, cancellations, tardiness, missed visits, and parent’s unfamiliarity with the supervised visitation and exchange service delivery process. To improve program efficiency and effectiveness under the grant program, the court/subcontractor created a new program to support parents with an educational resource that integrates both supervised visitation and parent education interchangeably. “Quick Start” is the first supervised visitation and parent education program that interconnects the two AV-funded grant service activities together to provide both parents with increased knowledge, greater clarity regarding the court and supervised visitation processes, and supportive resources for improving the parent-child contact during supervised visitation—successful completion of the scheduled visitation session. The goal and objectives of the program are to assist noncustodial and custodial parents prior to the commencement of service with understanding their responsibility for complying with the court order, how the visitation program operates, rules and guidelines for service delivery, the legal role and responsibilities of the professional provider, and tips for maximizing safety for parent-child contact. Parents must complete the “Quick Start” program before the supervised visitation agency will accept the case and/or court referral for service delivery.

Grant Programs Funded for Federal Fiscal Years 2016–17 through 2017–18

### **RFP Grant Application**

At its April 25, 2014, meeting, the Judicial Council approved, effective federal FY 2015–16, a new funding methodology for California’s Access to Visitation Grant Program. See the Judicial Council report at <http://www.courts.ca.gov/documents/jc-20140425-itemB.pdf>. As directed by the Judicial Council, CFCC released an open, competitive RFP grant application on July 21, 2014, for federal fiscal years 2015–16 through 2017–18 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. The RFP grant application due date was September 21, 2014.

Judicial Council program 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 direct services to families on

behalf of the court). The total funding request from the RFP applicant courts was \$1,449,411, and the total available statewide funds were approximately \$755,000 to \$770,000, so the total request for funding exceeded available funds by \$679,411 to \$694,411. A total of \$770,000 was allocated to 11 superior courts for federal fiscal years 2015–16, 2016–17, and 2017–18 funding.

A list of superior courts approved for grant funding for federal FY 2015–16 through 2017–18 is attached as Appendix A in this report.

### **RFP Grant Review Process**

The Judicial Council is required to determine the final number and amounts of grants.<sup>20</sup> Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request for proposal process that complies with all state and federal requirements for receiving Access to Visitation Grant Program funds. Family Code section 3204(b)(2) provides that the grant funds shall be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria, as follows:

- 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 parent-and-child 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 council's Family and Juvenile Law Advisory Committee approved the establishment of a Grant Review Group (GRG). The role of the GRG reviewers was to read, score, and make proposed funding allocation recommendations to the Judicial Council's Family and Juvenile Law Advisory Committee, which would subsequently make recommendations to the Judicial Council Executive and Planning Committee. The Judicial Council makes final determination on number and amount of grant funding allocations.

GRG reviewers were experts representing members of the advisory committee, professional subject matter experts from CFCC, and several community-based service providers with supervised visitation, domestic violence, and child abuse expertise. All GRG reviewers participated in an orientation teleconference that was designed to:

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<sup>20</sup> Fam. Code, § 3204(b)(2).

- Provide reviewers with an overview of the review and selection process;
- Discuss the role and responsibility of GRG reviewers;
- Review the application reviewer rating sheet and evaluation criteria; and
- Address specific questions before review of the grant application proposals.

Additionally, GRG reviewers did not read or score grant application proposals from their own respective courts or counties. GRG reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on proposals submitted by their court or county agencies or organizations.<sup>21</sup> Furthermore, Judicial Council program staff to the Access to Visitation Grant Program did not score any grant application proposals.

The GRG used a three-tier screening system. All grant application proposals were evaluated and scored according to a system of points, with each criterion in the RFP proposal narrative section assigned a maximum point value. GRG reviewers used both a reviewer rating sheet, with clear, quantifiable measures for evaluation and scoring of the proposals, and a rating scale to tabulate the applicant's response to each question. The grant application proposals were ranked strictly by score: each court's application score determined its rank.

Additionally, the RFP grant application stated that the GRG would evaluate each proposal based on the following values and principles:

- Overall responsiveness to each question;
- Efficient use of funds;
- Program services that reach the greatest number of families to be served;
- Programs with a demonstrated history of sound fiscal management and administration;
- Evidence of strong court and community support and collaboration; and
- Programs that maximize grant resources for overall cost effectiveness.

Although no points were awarded for the above evaluative factors, grant decisions sought to ensure that the program goals represent statewide geographical diversity in service delivery, including population and court size.

California's Access to Visitation Grant Data Collection and Reporting

### **Federal Grant Reporting Requirements**

Under section 469B(e)(3) of the Social Security Act, as added by section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, states are

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<sup>21</sup> To avoid the perception of a conflict of interest and to ensure an unbiased review of the grant application proposals, each GRG reviewer was asked to certify through the *Confidentiality and Conflict of Interest Form* that as an GRG reviewer he or she did not participate as a recipient official who personally assisted in developing, drafting, or reviewing any grant proposal submitted.

required to monitor, evaluate, and report on programs funded through Child Access and Visitation grants.<sup>22</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>23</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>24</sup>

Grant recipients are required to collect data on one mandatory federal outcome measure: increased noncustodial parents’ 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>25</sup>

### **Federal Data Survey Summary**

California’s Access to Visitation Grant Program utilizes an automated data collection system that collects the federally required data elements. The data collection and reporting system is standardized across all the grant recipient courts in California. The grant recipients are required to collect data in a uniform, standardized manner, which prevents programs from misinterpreting or inaccurately reporting the federally mandated data elements. The data reported *only* include parents who receive direct services, and service counts do not include multiple visits for the program services. Clients are counted only once per service category. Judicial Council program staff provides technical assistance support and training to grant recipient courts and their local services providers on the data collection system.

Table 1 is the California summary of California’s Access to Visitation Grant Program data for federal FY 2016 (i.e., October 1, 2015, through September 30, 2016). Table 2 highlights California’s grant program data for federal FY 2017 (i.e., October 1, 2016, through September 30, 2017). Please see the notes below Table 2 that outline the collection

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<sup>22</sup> See 45 C.F.R. part 303—Standards for Program Operations, [http://www.acf.hhs.gov/programs/cse/access\\_visitation/regulation.htm](http://www.acf.hhs.gov/programs/cse/access_visitation/regulation.htm)

<sup>23</sup> State Child Access Program Survey: Guidance, <https://dss.sd.gov/docs/victimservices/avsurveyguidance.pdf>.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

methodology and limitations.

**Table 1. Summary of AV Program Data: October 1, 2015–September 30, 2016**

**1. Clients Served**

The total number of clients include fathers, mothers, grandparents, and legal guardians. Each person is counted only once.

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Custodial Fathers	No. of Noncustodial Mothers	No. of Custodial Mothers	No. of Grandparents & Legal Guardians
1,173	431	167	226	339	10

**2. Children of Clients Served**

The total number of children involved includes only children of the biological parents and those under the care of grandparents and/or legal guardians.

<b>Total Number of Children in Common</b>
<b>915</b>

**3. Services Provided to Clients**

The total number of clients are those who received services under each category. Some clients may have received more than one service and are counted only once under each service category. The frequency of service is not reported.

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	61	187	146	891	0

**4. Marital Status Between Biological Parents**

Marital status is counted between biological parents only and does not report the marital status of grandparents or legal guardians.

Never Married to Each Other	Married to Each Other	Separated From Each Other	Divorced From Each Other	Data Not Reported
694	0	222	191	56



## 5. Annual Income

Annual income reports the data for each client served: parents, grandparents, and legal guardians.

Less Than \$10,000	\$10,000 to \$19,999	\$20,000 to \$29,999	\$30,000 to \$39,999	\$40,000 & Above	Data Not Reported
488	212	156	64	101	152

## 6. Race/Ethnicity

Race/ethnicity reports the data for each client served: parents, grandparents, and legal guardians.<sup>26</sup>

American Indian or Alaska Native	Asian	Black or African-American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races	Data Not Reported
25	44	100	409	11	462	79	43

## 7. Source of Client Referrals to Services

The source of client referrals to services is reported for each client served: parents, grandparents, and legal guardians.

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
10	1,110	11	0	3	21	18

## 8. Outcome Data

Outcome data is reported for biological parents only.

Number of NCPs Who Gained Increased Parenting Time with Children
NCP mothers: 169
NCP fathers: 369

**Table 2. Summary of AV Program Data: October 1, 2016–September 30, 2017**

### 1. Clients Served

The total number of clients include fathers, mothers, grandparents, and legal guardians. Each person is counted only once.

<sup>26</sup> Self-reported.

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Custodial Fathers	No. of Noncustodial Mothers	No. of Custodial Mothers	No. of Grandparents & Legal Guardians
1,091	389	153	174	361	14

## 2. Children of Clients Served

The total number of children involved includes only children of the biological parents and those under the care of grandparents and/or legal guardians.

Total Number of Children in Common
846

## 3. Services Provided to Clients

The total number of clients are those who received services under each category; some clients may have received more than once service and are counted only once under each service category.

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	26	137	78	907	0

## 4. Marital Status Between Biological Parents

Marital status is counted between biological parents only and does not report the marital status of grandparents or legal guardians.

Never Married to Each Other	Married to Each Other	Separated From Each Other	Divorced From Each Other	Data Not Reported
592	0	239	209	37

## 5. Annual Income

Annual income reports the data for each client served: parents, grandparents, and legal guardians.

Less Than \$10,000	\$10,000 to \$19,999	\$20,000 to \$29,999	\$30,000 to \$39,999	\$40,000 & Above	Data Not Reported
472	169	131	57	81	181

## 6. Race/Ethnicity

Race/ethnicity reports the data for each client served: parents, grandparents, and legal guardians.<sup>27</sup>

<sup>27</sup> Self-reported.

American Indian or Alaska Native	Asian	Black or African-American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races	Data Not Reported
18	31	93	392	10	431	85	31

### 7. Source of Client Referrals to Services

The source of client referrals to services is reported for each client served: parents, grandparents, and legal guardians.

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
3	1,060	6	0	0	14	8

### 8. Outcome Data

Outcome data is reported for biological parents only.

Number of NCPs Who Gained Increased Parenting Time With Children
NCP mothers: 160
NCP fathers: 375

### Important Data Collection Note

The data collection reporting period is federal fiscal year October 1 through September 30 of each data reporting year. The Access to Visitation Grant Program state grant funding cycle refers to the contract agreement period that begins on April 1 and ends on March 31 of each budget year. Therefore, the data collection period spans part of two grant-funding periods (October 1 through March 31 of the preceding federal budget year and April 1 through September 30 of the current grant-funding period). As a result, there is often a gap in service delivery by the grant recipient courts and their local service providers/subcontractors until each court receives its contract agreement from the Judicial Council for the appropriate Access to Visitation Grant Program funding period.

Inadequate funding and increasing demands for services impede the courts' and local service provider's ability to expand or maintain current service delivery levels for parents and children. The cost of service delivery continues to steadily increase, while federal funding has remained stagnant since the inception of the grant program in 1997. As costs rise, current funding levels result in fewer clients being served and waiting lists continue to be unavoidable. Additionally, for federal FY 2017–18, several grant recipient courts lost their local service provider/subcontractor and were unable to secure a new provider, which impacted the overall number of families served during the funding periods.

### **Hours of Service Delivery**

The number of service delivery hours from grant recipient service providers is highlighted in Table 3. The methodology for counting the time spent on various services varies depending on the service type. The hours indicated in Table 3 under supervised visitation include only the time of the actual supervised visitation contact between the noncustodial parent and child; they do 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.

The hours of service delivery are collected and reported by the State of California to provide a more accurate picture of overall service delivery by grant recipient courts and their local service providers. For instance, supervised visitation and exchange services require more time of program staff and time spent with the parents (e.g., visitation sessions over a longer period) because these services are more intensive versus parent education services, which are often provided in a single workshop completed at the end of the class. The parent education class/workshop and visitation session is counted once by the data collection requirement; however, the noncustodial parents in supervised visitation receive more hours of visitation with their child.

Access to Visitation supervised visitation services are provided to families where unsupervised visits can pose serious safety concerns. Local service providers are required to ensure the safety and welfare of clients served under the grant. The practice of assuring safety often requires staff to spend increased time working with the parent and child to ensure that reasonable safeguards are in place before the scheduled visitation session. Such precautions include programs using two staff (versus one) for the scheduled visit, and ensuring that visits do not exceed two hours in duration. In addition, supervised visitation and exchange services require highly trained, skilled staffing to address the multifaceted issues associated with custody and visitation disputes in family law cases.

**Table 3. Number of Service Delivery Hours**

<b>California Grant Service Areas</b>	<b>California October 1, 2015, through September 30, 2016</b>	<b>California October 1, 2016, through September 30, 2017</b>
Group counseling	27	27
Parent education	254	222
Supervised exchange	1204	1019
Supervised visitation	7427	8804
<b><i>Total service hours</i></b>	8912	100,72

### Conclusion

The services provided by the grant recipient courts and their local subcontractors for California's Access to Visitation Grant Program are critical to helping ensure the health, safety, and welfare of parents and children. 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 demand for the grant-related services outpaces the resources available to offer the services.

To help address these statewide needs and challenges, the Access to Visitation Grant Program manager is working closely, as the judicial branch liaison, with the California Association of Supervised Visitation Service Providers, sponsor of Assembly Bill 1674 (Stats. 2012, ch. 692), which added Family Code section 3200.5. The mission of CASVSP is to represent, assist, promote, and support the delivery of supervised visitation services through quality leadership, training, collaborative partnerships, and compliance with professional standards of conduct and best practices.

Assembly Bill 1674 required standards for supervised visitation providers adopted by the Judicial Council to conform to the provisions of the bill, such as requiring professional providers to receive 24 hours of training in certain subjects, the elimination of therapeutic supervised visitation, incorporation of exchange services as part of supervised visitation standards, and other changes to enhance internal consistency with the statute. The Access to Visitation Grant Program will continue to work closely with the Federal Office of Child Support Enforcement, the Judicial Council's Family and Juvenile Law Advisory Committee, courts, grant recipients, key stakeholders, and the state Legislature 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 in need of access to visitation services.

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Appendix A

**Superior Courts Awarded Grant Funding in Federal Fiscal Years 2015–16 through 2017–18**

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Region Service Area*	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Grant Award Allocation
1	<b>Butte</b>	Butte and Glenn	2	1	NO	X				<b>\$60,000</b>
2	<b>El Dorado</b>	El Dorado and Alpine	2	1	NO	X	X			<b>\$45,000</b>
3	<b>Los Angeles</b>	Los Angeles	1	2	SO	X	X			<b>\$100,000</b>
4	<b>Mendocino</b>	Mendocino and Del Norte	2	2	BA	X		X		<b>\$60,000</b>
5	<b>Mono</b>	Mono and Inyo	2	1	SO	X	X	X		<b>\$45,000</b>
6	<b>Orange**</b>	Orange	1	2	SO	X	X			<b>\$40,000</b>
7	<b>San Bernardino</b>	San Bernardino	1	3	SO	X	X			<b>\$100,000</b>
8	<b>San Francisco</b>	San Francisco and Marin	2	2	BA	X	X	X		<b>\$100,000</b>
9	<b>Shasta</b>	Shasta and Trinity	2	1	NO	X		X	X	<b>\$60,000</b>
10	<b>Tulare</b>	Tulare and Kings	2	1	NO	X				<b>\$100,000</b>
11	<b>Yuba</b>	Yuba and Sutter	2	1	NO	X				<b>\$60,000</b>
	<b>Subtotal</b>	<b>19</b>	<b>19</b>	<b>17</b>						<b>\$770,000</b>

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

\*\* The Superior Court of Orange County did not receive the full funding request, ranking 11th out of the 11 courts that were eligible for grant funding under the application review. The funding amount for the Superior Court of Orange County is at the maximum amount available based on the final federal funding allocation received.

## Appendix B

### 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.



3201.5 [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.

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