



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date	Action Requested
October 19, 2018	Please review
To	Deadline
Family and Juvenile Law Advisory Committee	October 22, 2018
Hon. Jerilyn L. Borack, Cochair	Contact
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Access to Visitation Grant Program: Proposed Recommendation for Midyear Reallocation of Unspent Grant Funds for the Fiscal Year 2018–19 Contract Period	

This memorandum presents staff's proposed recommendation for the Access to Visitation (AV) Grant Program midyear reallocation of unspent grant funds for the contract period that began on April 1, 2018 and ends March 31, 2019.

Background

Under the Judicial Council–approved funding methodology for the AV Grant Program, grant funds that become available, when a grantee court withdraws from the program or does not spend its full grant award, are distributed to courts that are currently receiving AV funds through a midyear reallocation process based on a needs assessment. Courts submit a justification for why they should receive additional funding, including completing a detailed questionnaire with the information needed to evaluate appropriate funding reallocation

levels. At the Judicial Council's November 17, 2017 meeting, the council approved modification of the AV Grant Program midyear reallocation process delegating authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any unspent funds for contract years 2018–19 through 2020–21.¹ To ensure that the unused allocations can be redistributed to the courts in a timely manner within the federal grant year, an expedited process for reallocation of funds to the courts was essential. Program staff is requesting that the committee consider the following proposed recommendations for the AV contract year 2018–19 midyear reallocation.

Proposed Recommendation

Funding Reallocation for the Access to Visitation Contract Year 2018–19

Unspent funds

Based on the midyear questionnaires received from the 11 grantee courts, a total of 3 courts responded that AV grant funds will remain unspent for the contract period 2018–19:

- El Dorado County Superior Court received notice of termination of AV services from its subcontractor in June. After working with council staff on a Corrective Action Plan under the AV grant contract, the court undertook an open Request for Proposals (RFP) process in September to obtain a replacement subcontractor—but was unsuccessful. Although the court will continue its effort to find a suitable subcontractor for the remainder of the grant year, it anticipates that a new subcontractor will not be in place, at the earliest, until the next contract year, beginning April 1, 2019. Thus, the court notified council staff that it will not be able to spend its \$50,000 grant award for the current contract year 2018–19.
- San Bernardino County Superior Court gave notice that its subcontractor had lost its nonprofit status due to a clerical error in July. All AV funding and services were immediately suspended under the terms of the AV grant contract. The court estimates that the subcontractor will remedy its nonprofit status with the Internal Revenue Service (IRS) by the end of the year and as a result, approximately \$2,500 of its grant award will be unspent.
- Inyo County Superior Court recently gave notice that its subcontractor was closing AV services, effective October 15, 2018, and will have approximately \$10,000 in unspent funds to reallocate.

The total amount of unspent funds available for midyear reallocation for the 2018–19 contract period, from the above-mentioned three courts, is \$62,500.

¹ <https://jcc.legistar.com/View.ashx?M=F&ID=5526793&GUID=1E232B38-3A39-44D0-AFF0-4D34DEAE2985>.

Additional funding requested and recommendations for reallocation

Five of the eight remaining courts requested a total of \$130,000 of additional 2018–19 AV funding through the midyear questionnaire and needs assessment. Because the total amount of requested funds by the five courts far exceeds the unspent funds available, Judicial Council program staff recommends reallocating the \$62,500 in unspent funds as follows:

1. The available funds would first be divided in proportion to the requesting court's original grant award relative to the total amount of grants awarded to all five courts at the beginning of the grant year (\$385,000). Thus, two courts that initially received \$100,000, would receive 26% of reallocated funds; two courts that initially received \$60,000, would receive 16%; and the court that initially received \$65,000, would receive 17%.
2. If a court's proportionate amount exceeded the amount requested through the midyear questionnaire, that court's reallocation was capped at the specific amount requested.
3. After courts received any capped reallocations, the remainder of unspent funds available would then again be distributed proportionately between the remaining requesting courts.

Based on this reallocation method, staff proposes that the committee consider for approval, the recommended AV Grant Program 2018–19 midyear funding reallocation to the five requesting courts—as detailed in Attachment A.

Funding considerations and objectives for reallocated funds

All five courts requesting additional funding this year spent their entire grant award allocations for the last contract year (2017–18)—including any increased funding they received through the midyear reallocation process. If approved by the committee, the five courts will use reallocated funds to:

- Increase service delivery to families, thus reducing current waiting lists for AV grant-related services; and
- Provide additional training on Standard 5.20 and Family Code section 3200.5 requirements for newly hired staff/monitors.

Contract and Memorandum of Understanding (M OU) Revisions

If the proposed recommendations are approved by the committee, the Judicial Council will execute an amended contract agreement with the five superior courts receiving 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 provided by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

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 Midyear Reallocation Amounts
for Contract Year 2018–2019*

Superior Courts of California	Current Grant Funding Allocation Award	Requested Additional Funding Amount	Total Funding Reallocation
1. Superior Court of Butte County	\$60,000	\$0	\$0
2. Superior Court of Del Norte County	\$25,000	\$0	\$0
3. Superior Court of El Dorado County	\$50,000	\$0	\$0
4. Superior Court of Inyo County	\$35,000	\$0	\$0
5. Superior Court of Orange County	\$100,000	\$0	\$0
6. Superior Court of San Bernardino County	\$100,000	\$0	\$0
7. Superior Court of San Francisco County	\$100,000	\$60,000	\$21,111
8. Superior Court of Santa Clara County	\$65,000	\$35,000	\$13,722
9. Superior Court of Shasta County	\$60,000	\$20,000	\$12,667
10. Superior Court of Tulare County	\$100,000	\$10,000	\$10,000
11. Superior Court of Yuba County	\$60,000	\$5,000	\$5,000
TOTAL	\$755,000	\$130,000	\$62,500