



# JUDICIAL COUNCIL OF CALIFORNIA

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MR. MARTIN HOSHINO  
Administrative Director,  
Judicial Council

January 24, 2020

Ms. Diane F. Boyer-Vine  
Legislative Counsel  
State Capitol, Room 3021  
Sacramento, California 95814

Ms. Erika Contreras  
Secretary of the Senate  
State Capitol, Room 400  
Sacramento, California 95814

Ms. Sue Parker  
Acting Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Re: *California's Access to Visitation Grant Program (Federal Fiscal Years 2018–19 and 2019–20: 2020 Report to the Legislature, as required under Family Code section 3204(d).*

Dear Ms. Boyer-Vine, Ms. Contreras, and Ms. Parker:

Pursuant to Family Code section 3204(d), the Judicial Council is submitting *California's Access to Visitation Grant Program (Federal Fiscal Years 2018–19 and 2019–20: 2020 Report to the Legislature on the programs funded by California's Access to Visitation Grant Program for Enhancing Responsibility and Work Opportunity for Nonresidential Parents for federal fiscal years 2018–19 and 2019–20.*

Ms. Diane F. Boyer-Vine  
Ms. Erika Contreras  
Ms. Sue Parker  
January 24, 2020  
Page 2

If you have any questions related to this report, please contact Ms. Charlene Depner, Director, Judicial Council Center for Families, Children & the Courts, at 415-865-7572 and [charlene.depner@jud.ca.gov](mailto:charlene.depner@jud.ca.gov).

Sincerely,



Martin Hoshino  
Administrative Director  
Judicial Council

MH/CD/SLB/la

Enclosures

cc: Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins  
Amy Alley, Policy Advisor, Office of Senate President pro Tempore Toni G. Atkins  
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Ms. Diane F. Boyer-Vine

Ms. Erika Contreras

Ms. Sue Parker

January 24, 2020

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Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council

Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs,  
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MR. MARTIN HOSHINO  
Administrative Director,  
Judicial Council

January 24, 2020

Report title: *California's Access to Visitation Grant Program (Federal Fiscal Years 2018–19 and 2019–20): 2020 Report to the Legislature*

Code section: Family Code section 3204(d)

Date of report: January 24, 2020

The Judicial Council has submitted a report to the Legislature in accordance with Family Code section 3204(d). The following summary of the report is provided under the requirements of Government Code section 9795.

The Judicial Council is charged with administering and distributing California's share of federal Child and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. These grants are established under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2258) and enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children.

The report provides information on the programs funded for federal fiscal years 2018–19 and 2019–20 under California's Access to Visitation Grant Program for Enhancing Responsibility and Work Opportunity for Nonresidential Parents and is legislatively mandated. Family Code section 3204(d) directs the Judicial Council to report on the programs funded and whether and to what extent those programs are achieving the goals of promoting and encouraging healthy parent and child relationships while ensuring the health, safety, and welfare of children.

The full report can be accessed at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

A printed copy of the report may be obtained by calling the Judicial Council's Center for Families, Children & the Courts at 415-865-7739.

# California's Access to Visitation Grant Program

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FEDERAL FISCAL YEARS 2018-19 AND  
2019-20

2020 REPORT TO THE LEGISLATURE



JUDICIAL COUNCIL  
OF CALIFORNIA

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

This report has been prepared and submitted to the California Legislature pursuant to Family Code section 3204(d).

This report is available on the California Courts website at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

For additional copies or more information about this report, please call the Judicial Council Center for Families, Children & the Courts at 415-865-7739, or write to:

Judicial Council of California  
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## **EXECUTIVE SUMMARY**

With an annual federal appropriation of \$10 million, 54 states (including the District of Columbia, Guam, Puerto Rico, and the 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 Grants to States for Access and Visitation Programs (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 on the number of children in single-family households.

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 Family Code section 3204 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 or subcontractors can fulfill this state match requirement via cash or in-kind contributions.

Family Code section 3204(a) requires the Judicial Council of California to apply annually for federal Child Access and Visitation Grant Program funding from the federal 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 funding. The Judicial Council's Center for Families, Children & the Courts (CFCC) staff has responsibility for managing the grant program.

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

report 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 2018–19 and 2019–20,<sup>1</sup> California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents (hereafter

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<sup>1</sup> 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.

“Access to Visitation Grant Program” or “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. Under 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 were married to each other or were 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 target population recipients for AV services. For the full text of the relevant Family Code sections, see Appendix B of this report.

The 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
- 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 grant-related services have been instrumental in supporting increased noncustodial parenting time and helping parents rebuild and sustain healthy parent-child relationships. In

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<sup>2</sup> The term “low income,” as it relates to noncustodial parents and their children served under California’s AV grant program, means families that have no income, or an individual annual income before taxes of less than \$10,000 or 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 required data collection, the data element “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).

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—whether divorced, separated, or 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.

During federal fiscal years 2018–19 and 2019–20 combined, the grant program successfully provided statewide services to 1,979 clients. California’s Access to Visitation Data Collection and Reporting System includes the total number of fathers, mothers, grandparents, and legal guardians who received direct services. Each person who received direct services was counted once within a federal fiscal year regardless of the number of times he or she used an AV program during that time span. Moreover, of the clients served over the two federal fiscal years, 1,443 were children and 15,042 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, insufficient 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 growth in demand for the grant-related services outpaces the resources available to offer those services. The courts, together with their subcontractors, continue to struggle to meet the ever-increasing need for affordable, available, and accessible services statewide, and for subsidized financial assistance.

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 address funding challenges for California families in need of access to visitation services.

## 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.

California Family Code section 3204 requires the Judicial Council of California to annually apply to the U.S. Department of Health and Human Services, Administration of Children and Families, Office of Child Support Enforcement, under section 669B of PRWORA, for federal Child Access and Visitation Grant Program funds and to award this funding to the superior courts throughout California.

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

report 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 2018–19 and 2019–20 under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents (hereafter “Access to Visitation Grant Program” or “AV”).<sup>4</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 federal Office of Child Support Enforcement.<sup>5</sup> These grants, established under section 391 of PRWORA, 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

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<sup>4</sup> 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>5</sup> Fam. Code, § 3204(a).

single-parent households.<sup>6</sup> California receives the maximum amount of eligible funds (approximately \$912,000 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 or 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. Under the federal statute, Child Access and Visitation Grant funds may be used to

support 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 pickup), and development of guidelines for visitation and alternative custody arrangements.<sup>7</sup>

The use of the funds in California, however, is limited by state statute to three types of programs:<sup>8</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 living separately on a permanent or temporary basis;<sup>9</sup> and (2) to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the children's health, safety, and welfare.<sup>10</sup> The overarching policy goal of the grant program has been to

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<sup>6</sup> The statistical data used to determine the formulaic distribution of funding to the states is based on U.S. Census Bureau data. The federal funding allocation formula is based on the number of single-parent households.

<sup>7</sup> 42 U.S.C. § 669b.

<sup>8</sup> Fam. Code, § 3204(b)(1).

<sup>9</sup> Fam. Code, § 3203.

<sup>10</sup> Fam. Code, § 3204(d).

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.

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>11</sup>

### ***Funding Allocation to States***

Federal grant funds are awarded to the states effective October 1 of each federal fiscal year, 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>12</sup> The federal funding allocation to California for federal fiscal year 2018–19 was \$911,465, and for federal fiscal year 2019–20 was \$908,257.<sup>13</sup> On November 17, 2017, 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 2018–19 through 2020–21.<sup>14</sup>

### ***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 and Family and Juvenile Law Advisory Committee, and the federal Administration for Children and Families. The Judicial Council’s Center for Families, Children & the Courts has primary responsibility for managing the grant program.

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<sup>11</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>12</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>13</sup> Federal grant funding allocations to the states are on a formula: the number of single-parent households based on the U.S. Census Bureau data.

<sup>14</sup> The difference between the federal funding allocation to the state and the \$755,000 to \$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.

## **Grant Funding Eligibility**

All superior courts in California are eligible to apply for and receive Access to Visitation Grant Program funds through a statewide request for proposal (RFP) issued by the Judicial Council. The family law divisions of the superior courts are required to administer the programs. Given the limited funding available, 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 1997.

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 fiscal year 2015–16.

The grant funding cap and grant funding amounts are divided into three categories: maximum of \$45,000, maximum of \$60,000, and maximum of \$100,000. Two demographic factors are used to determine which of the three funding categories applies to a given court: (1) the number of single-parent households in the county, and (2) the number of individuals with income below the federal poverty level in the county.

The number of persons below the federal poverty level 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 Bureau data. The number of single-parent households for each county also relies on U.S. Census Bureau 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 with other counties in the state. 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 [www.courts.ca.gov/cfcc-accesstovisitation.htm](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 need to 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 use established criteria to evaluate the grant recipient court/subcontractor’s 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 fiscal year 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 Program funds through this 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***

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.” Eligible providers of supervised visitation and exchange services are local public agencies<sup>15</sup> or nonprofit entities that satisfy standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation).<sup>16</sup>

### ***Parent Education***

Parent education is defined under Family Code section 3201 and 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

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<sup>15</sup> Under Government Code section 66905.8, “local public agency” means a city, county, district, or joint powers agency. Under 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.

<sup>16</sup> The standards are available at [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).

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 parenting, and the impact of divorce and interparental conflict on children. Interns working under the direct supervision of such professionals are also eligible providers.<sup>17</sup>

### **Group Counseling**

Group counseling services include but are not limited to those provided by mental health professionals, social workers, and the like 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 access to their children; and/or an improvement in coparenting relationships. 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. Additionally, grant recipient courts and local service providers or subcontractors selected for grant funding must certify compliance with standard

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<sup>17</sup> Fam. Code, § 3203.

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.

Court-ordered, professionally 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 due to cost and accessibility barriers. The grant program aims to support the goal of noncustodial parents' access to and visitation with their children by increasing the likelihood of subsidized financial assistance to help satisfy the requirement of the court order that visitation be professionally supervised.

Supervised visitation and/or exchange services provide an essential service for cases when there are potential risks of abuse or violence, mental illness, substance abuse, or parenting concerns. A safe and secure environment with trained, skilled staff allows for contact between the noncustodial parents and the child, *when appropriate*, to maintain access to their children to help strengthen the parent-child relationship.

#### ***Parent Education and Group Counseling Service Activities***

California's Access to Visitation Grant Program parent education and counseling programs are designed to support and facilitate noncustodial parents' access and visitation with their children. The programs teach noncustodial parents how to put parenting agreements into effect that (1) encourage and promote the best interests of their children; (2) rebuild and maintain healthy parent-child relationships; and (3) provide opportunities for noncustodial parents to become more involved in the lives of their children by focusing on the relationship they have with their children in a safe environment with the parent education and/or counseling facilitators.

The parent education programs seek to help parents obtain a greater understanding of how separate parenting affects their children and to understand what they can do to make the circumstances easier for their children which helps noncustodial parents continue to build positive, healthy relationships with their children. Both the education and counseling service activities help parents recognize and address the emotional consequences of separation and divorce by learning techniques and strategies for communicating better to maintain 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 processes associated with separation, divorce, and custody decision-making, all of 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 the grant recipient 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 groups and regional meetings (including an annual program administrators meeting and grantee orientation); complain/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 service providers is also conducted through submission of biannual progress summary reports. The biannual report provides a thorough and accurate account of project activities, programmatic challenges, and court/subcontractor compliance during the required reporting period.

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 section 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 their work's acceptability.

Moreover, grant recipients 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 follow their individual program logic models for qualitative and quantitative data in system evaluations. Feedback from these systems is used to identify program strengths and weaknesses, and to improve overall service delivery.

## **Program Accomplishments**

The federal funding for this program is extremely limited with no increase expected in the near future. Because the grant program is not a continuation grant, courts must competitively apply for new funding every three years. For some programs, lack of renewed funding has meant that court-community programs have closed down and/or the availability of accessible

supervised visitation and exchange centers with trained and skilled professionals remains limited or is nonexistent. The support provided by the federal grant funds has allowed for continued free and low-cost, sliding-scale access to visitation services. In addition, the cost-effective efforts by grant recipient courts and subcontractors working together to build stronger partnerships and bridging resources with other community-based organizations that share a common mission and purpose have assisted many of the programs in helping to maximize the grant funds.

During federal fiscal years 2018–19 and 2019–20, Judicial Council staff to California’s Access to Visitation Grant Program worked on several projects to expand the availability of services. They also developed a variety of educational resources for the courts, parents, and other professionals and organizations to better understand how supervised visitation and exchange services operate in California. In order to improve the quality and efficiency of services throughout the state, Judicial Council staff:

1. Provided technical assistance statewide to grant recipient courts and court-community justice partners on their supervised visitation and exchange policies and procedures. This included the development of strategies and best practices for establishing local supervised visitation and exchange programs and/or an effective framework for implementation of Family Code section 3200.5 and standard 5.20 requirements. Technical assistance support included, but was not limited to, on-site visits, peer-to-peer information exchanges, teleconference calls, and the production of sample templates and forms as educational resources.
2. Conducted 15 statewide trainings (including various advanced skills trainings and a conference) to approximately 685 multidisciplinary organizational professionals, court, and community justice partners on how to successfully implement the Uniform Standards of Practice for Providers of Supervised Visitation as set forth under standard 5.20 of the California Standards of Judicial Administration.
3. Provided technical assistance to the California Governor’s Office of Emergency Services (Cal OES), Victims Services and Public Safety Branch, for the release of an RFP grant application to support visitation and safe exchange options for families with a history of domestic violence, child abuse or neglect, or sexual abuse, as a direct service to victims of crime. Several AV grant recipient programs were successful in obtaining funding by Cal OES, which resulted in a reduction of their waiting lists and the expansion of services to qualifying families.
4. Developed and completed a new online training module for parents, courts, and the general public to better understand how supervised visitation and exchange services operate in the California for both nonprofessional and professional providers by contracting with the vendor, LawFirmElearning.
5. Worked with an outside consultant to create and complete an animated training video on supervised visitation and exchange services in California.

6. Worked with an outside consultant to reevaluate and assess the current Access to Visitation Grant Program RFP grant application and selection review process. The goal of the assessment was to (1) review and improve the current structure so it is conducive to efficient and effective grant making; (2) determine if there are deterrents for courts and service providers in applying for the grant funds; and (3) implement a more streamlined, simplified RFP and review process that still conforms to required terms and conditions for funding and state and federal grant requirements.
7. Updated and translated a brochure, *Supervised Visitation: A Guide for Non-Professional Providers*, into Spanish and plain language.
8. Collaborated with the California Association of Supervised Visitation Service Providers and various board members on several of the statewide standard 5.20 trainings to assist their members in familiarizing themselves with the Family Code section 3200.5/standard 5.20 curricula and teaching outline to become part of the train-the-trainer program on the state standards of practice.

Despite the gains of the grant program and indirect activities and resources, the most significant obstacle repeatedly expressed by grant recipient courts and their local service providers/subcontractors continues to be the lack of adequate, stable, and reliable funding. Increased funding for California's Access to Visitation Grant Program is needed to support AV-funded services and facilitate the establishment and implementation of access to visitation programs in all 58 counties in California.

## **GRANT PROGRAMS FUNDED FOR FEDERAL FISCAL YEARS 2018–19 THROUGH 2020–21**

### **Grant Application**

On June 14, 2017, the Judicial Council's Center for Families, Children & the Courts released an open, competitive request for proposals (RFP) grant application for federal fiscal years 2018–2019 through 2020–2021 to fund AV-related services: supervised visitation and exchange, parent education, and group counseling for child custody and visitation family law cases.

Center for Families, Children & the Courts staff received 12 grant applications from the superior courts, which represented 19 counties and involved 19 subcontractor agencies (i.e., local court community-based service providers that provide the direct services on behalf of the court to families). The total funding requested from the RFP applicant courts was \$930,000, and the total available statewide funds was \$755,000 to \$770,000 (subject to final federal allocation in 2018 and 2019). The total request for funding exceeded available funds by \$160,000 to \$175,000.

A list of superior courts approved for grant funding for federal fiscal year 2018–19 through 2020–21 is as Appendix A in this report.

## **Grant Review Process**

The Judicial Council is required to determine the final number and amounts of grants under Family Code section 3204. 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's Executive and Planning Committee. The Judicial Council makes the final determinations on the number and amount of grant funding allocations.

GRG reviewers were experts representing members of the advisory committee, professional subject-matter experts from the Center for Families, Children & the Courts, and several community-based service providers with expertise in the areas of supervised visitation, domestic violence, and child abuse. All GRG reviewers participated in an orientation teleconference. GRG reviewers did not read or score grant application proposals from their own courts or counties, nor did Judicial Council staff to the Access to Visitation Grant Program.

The Grant Review Group used a three-tiered 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, 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 required to monitor, evaluate, and report on programs funded through Child Access and Visitation Program grants.<sup>18</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.

Each state is required to collect and submit an annual report that includes 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>19</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>20</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 provide technical assistance support and training on the data collection system to grant recipient courts and their local service providers.

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<sup>18</sup> See 45 C.F.R. part 303, Regulatory Standards for Program Operations, Child Access and Visitation Grants, [www.acf.hhs.gov/programs/cse/access\\_visitation/regulation.htm](http://www.acf.hhs.gov/programs/cse/access_visitation/regulation.htm).

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

Table 1 presents a summary of California’s Access to Visitation Grant Program data for federal fiscal year 2018 (i.e., October 1, 2017, through September 30, 2018). Table 2 highlights California’s grant program data for federal fiscal year 2019 (i.e., October 1, 2018, through September 30, 2019). Please see the notes below Table 2 that outline the collection methodology and limitations.

**Table 1. Summary of Program Data: October 1, 2017–September 30, 2018**

**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
1,043	389	130	180	330	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 No. of Children in Common
784

**3. Services Provided to Clients.** The services provided to clients are the total number of services provided to a client who received service under each category. Some clients may have received more than one service and, as a result, are counted under more than one service category. Clients are only reported once under each service received. The frequency of service is not reported.

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	128	102	897	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
499	0	218	262	45

**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
389	198	125	63	92	176

**6. Race/Ethnicity.** Race/ethnicity (self-reported) reports the data for each client served: parents, grandparents, and legal guardians.

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
17	41	63	355	10	464	61	53

**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
13	1,010	10	0	3	10	0

**8. Outcome Data.** Outcome data is reported for biological noncustodial mothers and noncustodial fathers only.

Noncustodial Parents Who Gained Increased Parenting Time With Children	Total No. Served	No. Gaining Increased Parenting Time	Percentage Gaining Increased Time
Mothers	180	129	72%
Fathers	389	374	96%
Total	569	503	88%

**Table 2. Summary of Program Data: October 1, 2018–September 30, 2019**

**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
936	368	127	160	281	0

**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 No. of Children in Common
659

**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.

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	13	85	92	746	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
482	0	213	230	11

**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
382	172	102	60	90	130

**6. Race/Ethnicity.** Race/ethnicity (self-reported) reports the data for each client served: parents, grandparents, and legal guardians.

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
28	68	58	296	8	404	68	6

**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	880	12	2	4	28	0

**8. Outcome Data.** Outcome data is reported for biological noncustodial mothers and noncustodial fathers only.

No. of Noncustodial Parents Who Gained Increased Parenting Time With Children	Total No. Served	No. Gaining Increased Parenting Time	Percentage Gaining Increased Time
Mothers	160	160	100%
Fathers	368	368	100%
Total	528	528	100%

### Important Data Collection Note

Inadequate funding and increasing demands for services impede the courts’ and local service providers’ ability to maintain or expand 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 fiscal year 2018–19, several new grant recipient programs were added and required additional time to ramp up their services.

### 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 and program workload 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 a parent than parent education. This is because the visitation sessions occur over a longer period of time and are more intensive, whereas parent education is oftentimes a single workshop or class.

Access to Visitation Grant Program supervised visitation and exchange 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, during, and after the scheduled visitation session. Such precautions include programs using two staff (rather than one) for the scheduled visit and ensuring that visits do not exceed two hours in duration based on statutory requirements for professional providers of supervised visitation. 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>October 1, 2017 through September 30, 2018</b>	<b>October 1, 2018 through September 30, 2019</b>
<b>Group counseling*</b>	<b>27</b>	<b>9</b>
<b>Parent education</b>	<b>123</b>	<b>131</b>
<b>Supervised exchange</b>	<b>891</b>	<b>1054</b>
<b>Supervised visitation</b>	<b>6595</b>	<b>6212</b>
<b>Total service hours</b>	<b>7636</b>	<b>7406</b>

\* Under the Access to Visitation Grant Program, data is collected on clients served (i.e., noncustodial parent and custodial parent mother and father, legal guardian, and grandparents) through three grant service areas: supervised visitation and exchange, parent education, and group counseling services. Data on clients served also includes number of hours of service. Children are counted and reported as part of the client (parent) data but not as part of the services provided to clients. Under parent education and group counseling service areas, a parent may or may not participate in and/or complete the counseling or parent education session itself; however, the child may still have participated in the service without the noncustodial parent.

## **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 at a subsidized rate, 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.

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, and will support the grantees in actively seeking diverse supplementary funding to provide critical services. It will continue to support the programs to administer and operate high-quality program services, to address programmatic challenges, and to enhance service delivery for all California families in need of access to visitation services.

**APPENDIX A: SUPERIOR COURTS AWARDED GRANT FUNDING IN  
FEDERAL FISCAL YEARS 2018–19 THROUGH 2020–21**

	<b>Applicant Court</b>	<b>Counties Served</b>	<b>No. of Counties</b>	<b>No. of Subcontracting Agencies</b>	<b>Region Service Area<sup>a</sup></b>	<b>Supervised Visitation</b>	<b>Supervised Exchange</b>	<b>Parent Education</b>	<b>Group Counseling</b>	<b>Grant Award Allocation</b>
1	Butte <sup>b</sup>	Butte and Glenn	2	1	NO	X				\$60,000
2	Del Norte	Del Norte	1	1	NO	X	X			\$25,000
3	El Dorado	El Dorado	1	1	NO	X				\$50,000
4	Inyo <sup>b</sup>	Mono and Inyo	2	1	SO	X				\$35,000
5	Orange	Orange	1	2	SO	X	X			\$100,000
6	San Bernardino	San Bernardino	1	3	SO	X	X			\$100,000
7	San Francisco	San Francisco, Marin, and San Mateo	3	1	BA	X	X			\$100,000
8	Santa Clara	Santa Clara	1	1	BA	X	X			\$65,000
9	Shasta	Shasta and Trinity	2	1	NO	X	X	X	X	\$60,000
10	Tulare	Tulare and Kings	2	1	NO	X				\$100,000
11	Yuba	Yuba and Sutter	2	1	NO	X				\$60,000
	<b>Subtotal</b>	<b>18</b>	<b>18</b>	<b>14</b>						<b>\$755,000</b>

<sup>a</sup> BA = Bay Area/Northern Coastal Region; NO = Northern/Central Region; SO = Southern Region.

<sup>b</sup> The Superior Courts of Inyo County and Butte County returned their grant award allocations to the Judicial Council because both subcontractors closed down their Access to Visitation Grant Program in fiscal years 2018–19 and 2019–20.

## **APPENDIX B: CALIFORNIA FAMILY CODE SECTIONS 3200–3204**

### **§ 3200. Standards**

The Judicial Council shall develop standards for supervised visitation providers in accordance with the guidelines set forth in this section. 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.

### **§ 3200.5. Standards for supervised visitation providers to conform to statute**

(a) Any standards for supervised visitation providers adopted by the Judicial Council pursuant to Section 3200 shall conform to this section. A provider, as described in Section 3200, shall be a professional provider or nonprofessional provider.

(b) In any case in which the court has determined that there is domestic violence or child abuse or neglect, as defined in Section 11165.6 of the Penal Code, and the court determines supervision is necessary, the court shall consider whether to use a professional or nonprofessional provider based upon the child’s best interest.

(c) For the purposes of this section, the following definitions apply:

(1) “Nonprofessional provider” means any person who is not paid for providing supervised visitation services.

(2) “Professional provider” means any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency.

(d) Unless otherwise ordered by the court or stipulated by the parties, a nonprofessional provider shall:

- (1) Have no record of a conviction for child molestation, child abuse, or other crimes against a person.
- (2) Have proof of automobile insurance if transporting the child.
- (3) Have no current or past court order in which the provider is the person being supervised.
- (4) Agree to adhere to and enforce the court order regarding supervised visitation.
- (e) A professional provider shall:
  - (1) Be at least 21 years of age.
  - (2) Have no record of a conviction for driving under the influence (DUI) within the last five years.
  - (3) Not have been on probation or parole for the last 10 years.
  - (4) Have no record of a conviction for child molestation, child abuse, or other crimes against a person.
  - (5) Have proof of automobile insurance if transporting the child.
  - (6) Have no civil, criminal, or juvenile restraining orders within the last 10 years.
  - (7) Have no current or past court order in which the provider is the person being supervised.
  - (8) Be able to speak the language of the party being supervised and of the child, or the provider must provide a neutral interpreter over 18 years of age who is able to do so.
  - (9) Agree to adhere to and enforce the court order regarding supervised visitation.
  - (10)
    - (A) Complete 24 hours of training prior to providing visitation services, including at least 12 hours of classroom instruction in the following subjects:
      - (i) The role of a professional provider.
      - (ii) Child abuse reporting laws.
      - (iii) Recordkeeping procedures.
      - (iv) Screening, monitoring, and termination of visitation.
      - (v) Developmental needs of children.
      - (vi) Legal responsibilities and obligations of a provider.
      - (vii) Cultural sensitivity.
      - (viii) Conflicts of interest, including the acceptance of gifts.
      - (ix) Confidentiality.
      - (x) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence.
      - (xi) Basic knowledge of family and juvenile law.
    - (B) Of the 24 hours of training required pursuant to subparagraph (A), at a minimum, three hours shall be on the screening, monitoring, and termination of visitation, three hours shall be on the developmental needs of children, three hours shall be on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence, and one hour shall be on basic knowledge of family law.
    - (C) Notwithstanding the requirement for classroom instruction in subparagraph (A), on and after January 1, 2021, a professional provider shall complete the training required pursuant to clause (ii) of subparagraph (A), relating to child abuse reporting laws, by completing an online training course required for mandated reporters that is provided by the State Department of Social Services. This online training requirement is not intended to increase the total number of training hours required by this paragraph.

(11) Complete a Live Scan criminal background check, at the expense of the provider or the supervised visitation center or agency, prior to providing visitation services.

(12) Sign the Judicial Council Declaration of Supervised Visitation Provider form that the person meets the training and qualifications of a provider. A professional provider shall sign a separate, updated form each time the professional provider submits a report to the court.

(13)

(A) Beginning January 1, 2021, be registered as a trustline provider pursuant to Chapter 3.35 (commencing with Section 1596.60) of Division 2 of the Health and Safety Code.

(B) Notwithstanding any other law, if a person is denied trustline registration by the State Department of Social Services pursuant to Section 1596.605 or 1596.607 of the Health and Safety Code, or if the State Department of Social Services revokes a person's trustline registration pursuant to Section 1596.608 of the Health and Safety Code, that person shall be ineligible to be a professional provider.

(f) The ratio of children to a professional provider shall be contingent on:

(1) The degree of risk factors present in each case.

(2) The nature of supervision required in each case.

(3) The number and ages of the children to be supervised during a visit.

(4) The number of people visiting the child during the visit.

(5) The duration and location of the visit.

(6) The experience of the provider.

(g) Professional providers of supervised visitation shall:

(1) Advise the parties before commencement of supervised visitation that no confidential privilege exists.

(2) Report suspected child abuse to the appropriate agency, as provided by law, and inform the parties of the provider's obligation to make those reports.

(3) Suspend or terminate visitation under subdivision (h).

(h) Professional providers shall:

(1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation. The contract should inform each party of the terms and conditions of supervised visitation.

(2) Review custody and visitation orders relevant to the supervised visitation.

(3) Keep a record for each case, including, at least, all of the following:

(A) A written record of each contact and visit.

(B) Who attended the visit.

(C) Any failure to comply with the terms and conditions of the visitation.

(D) Any incidence of abuse, as required by law.

(i)

(1) Each provider shall make every reasonable effort to provide a safe visit for the child and the noncustodial party.

(2) If a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.

(3) All interruptions or terminations of visits shall be recorded in the case file.

(4) All providers shall advise both parties of the reasons for the interruption or termination of a visit.

(j) A professional provider shall state the reasons for temporary suspension or termination of supervised visitation in writing and shall provide the written statement to both parties, their attorneys, the attorney for the child, and the court.

### **§ 3201. Administration of supervised visitation maintained or imposed by court**

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. 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 Standard 5.20 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, licensed marriage and family therapist, or licensed professional clinical counselor; 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 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 even-numbered year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.