



# Ten Years of Access to Visitation Grant Program Services (Fiscal Years 1997–2007)

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A REPORT TO THE CALIFORNIA LEGISLATURE



ADMINISTRATIVE OFFICE  
OF THE COURTS

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CENTER FOR FAMILIES, CHILDREN  
& THE COURTS



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MARCH 2008



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## Contents

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Executive Summary .....	i
Overview .....	i
Program Summary .....	iii
Future Projects .....	iv
Introduction.....	1
Background.....	2
Program Administration.....	3
Grant Topic Areas.....	4
Promotion and Encouragement of Healthy Parent–Child Relationships.....	5
Program Monitoring.....	6
Programs Funded for Fiscal Years 1997–1998 Through 2006–2007 .....	9
Review and Selection Process .....	9
Program Funding Preference .....	10
Grant Award Amounts and Funding Allocations .....	11
Match Requirement.....	11
Grant Award Amounts.....	12
Table 1. Range of Grant Awards. ....	13
Table 2. Federal Allocations to the State and Grant Amounts to Courts.....	15
Multiyear Grant Awards .....	15
Midyear Reallocation.....	15
Program Successes and Accomplishments .....	17
Program Resources .....	17
Grantee Accomplishments.....	18
Superior Court of California, County of Fresno .....	19
Superior Court California, County of Mendocino .....	19
Unified Family Court of San Francisco County .....	21
Superior Court of California, County of Santa Clara .....	21
Superior Court of California, County of Tulare.....	23
Superior Court of California, County of Yuba .....	23
2007 Conference: Access to Visitation 10–Year Anniversary Celebration.....	24
Innovative Promising Practices .....	27
Superior Court of California, County of Napa.....	27
Superior Court of California, County of Orange .....	28
Superior Court of California, County of Shasta.....	30
Access to Visitation Grant Program Services.....	33
Program Service Delivery Gaps and Challenges .....	33
Adequate Funding Resources .....	36
Access to Visitation Grant Program Data Collection Findings and Discussion .....	39

Federal and State Grant Reporting Requirements .....	39
California’s Access to Visitation Data Collection and Reporting System .....	40
Client Information.....	41
Family Composition .....	41
Table 3. Custodial and Noncustodial Parents. ....	42
Table 4. Fathers and Mothers by Fiscal Years.....	42
Table 5. Total Number of Children Receiving Services per Family. ....	43
Cohabiting Relationship.....	43
Table 6. Cohabiting Relationship With Child’s Other Parent. ....	43
Grant Services Provided: Supervised Visitation, Exchange, Group Counseling and Parent Education .....	44
Referral Information .....	45
Referral source .....	45
Reason for referral .....	45
Table 7. Most Common Reason for Referrals .....	46
Who Are Access to Visitation Clients? .....	48
Marital status.....	48
Age.....	49
Income.....	49
Table 8. Individual Annual Income Before Taxes.....	50
Race and ethnicity.....	51
Language needs.....	51
Data Summary Conclusions and Recommendations .....	52
Conclusion and Future Projects.....	53
Appendix A	
Map of California.....	A-1
Appendix B	
Section 669b of Title 42 of the United States Code (Section 469B of the Social Security Act).....	B-1
Appendix C	
California Family Code §§ 3200–3204.....	C-1
Appendix D	
Applicant Courts and Court Subcontractors Funded From 1997-1998 Through 2006-2007 .....	D-1
Appendix E	
Federal Funding Allocation to California and Applicant Court Grant Awards.....	E-1
Appendix F	
Standard 5.20 of California Standards of Judicial Administration .....	F-1
Appendix G	
Exit Protocol Report (Superior Court of Napa County) .....	G-1



## Executive Summary

California Family Code section 3204(d) 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 state Legislature with detailed information on the programs funded during fiscal years 1997–1998 through 2006–2007 under the state’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. The grant celebrated its 10-year anniversary in fiscal year 2006–2007, and the report highlights program successes and accomplishments, innovative promising practices, and program service delivery gaps and challenges. It also describes California’s Access to Visitation Grant Program Data Collection and Reporting System findings by highlighting the first in a series of statistical data collection reports on the families served by the grant program.

Although no formal recommendations are made in the report, it does identify various challenges and complexities regarding the administration and operation of the grant-related services that limit the ability of the grants to address the great demand for program services.

### **Overview**

The Judicial Council is charged with administering and distributing California’s share of the 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. 104–193, 110 Stat. 2258)—title III, section 469B of the Social Security Act—enable states to establish and administer programs that support and facilitate noncustodial parents’ access to and visitation with their children.

The congressional 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 lives.”<sup>2</sup> Under the federal statute, Child Access and Visitation Grant funds may be used to:

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<sup>1</sup> Fam. Code, § 3204(a).

<sup>2</sup> 42 U.S.C. § 669b.

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 pick-up), and development of guidelines for visitation and alternative custody arrangements.<sup>3</sup>

The use of the funds in California, however, is limited by state statute to three types of programs:<sup>4</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 to enable parents and children to participate in supervised visitation, education, and group counseling programs—irrespective of marital status and of whether the parties are currently living separately permanently or temporarily<sup>5</sup>—and to promote and encourage healthy relationships between noncustodial or joint custodial parents and their children while ensuring the children's health, safety, and welfare.<sup>6</sup> The overarching policy goal of the grant program is to ensure accessible and available services statewide for low-income families with children who are now or have been in family courts.

State funding allocations under the discretionary formula grant are based on a formula: the number of single-parent households. According to the U.S. Census, California has the greatest number of single-parent households (1,229,119 single family households);<sup>7</sup> therefore, the state receives the maximum allocation of federal funds (i.e., approximately less than \$1 million<sup>8</sup>). This amount represents less than 10 percent of the total amount of national funding.

The total federal funds received for the 10-year grant period was \$10,998,784. The total grant funds awarded to the courts throughout California was \$8,996,100. Each state is required to provide a 10 percent match for its federal grant funds received, and California Access to Visitation Grant Programs are required to provide a 20 percent (nonfederal) match.

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<sup>3</sup> *Ibid.*

<sup>4</sup> Fam. Code, § 3204(b)(1).

<sup>5</sup> Fam. Code, § 3203.

<sup>6</sup> Fam. Code, § 3204(d).

<sup>7</sup> U.S. Census Bureau, California American Community Survey (2006).

<sup>8</sup> The census data are adjusted every three years. As a result, funding allocations to the states may result in an increase or a decrease based on the number of single-parent households.

Under state funding, the grants are awarded to the family law division of the superior courts through a statewide request-for-proposals grant application process. 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.<sup>9</sup> While the superior courts may contract with local community-based nonprofit agencies to provide the direct services on behalf of the court, contract agreements are made only with the designated superior court. Special consideration for grant funds is given to programs that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.<sup>10</sup>

The following are the maximum grant amounts for which courts could apply:<sup>11</sup>

- \$45,000 for counties or collaboratives in which the population is less than 250,000;
- \$60,000 for counties or collaboratives in which the population is more than 250,000 but less than 1 million; and
- \$100,000 for counties or collaboratives in which the population is more than 1 million.

Under the Child Access to Visitation Grant, the federal Office of Child Support Enforcement is required to monitor and track whether states have spent their full grant award allocation. Under federal guidelines, unused funds do not roll over to the next fiscal year but revert back to the federal government. To ensure all state grant funds would be spent, the grant instituted a midyear reallocation process in fiscal years 2003–2004 and 2004–2005. This process allows the state and applicant courts to assess spending to determine whether potential funds will be redistributed amongst the grantees.

### **Program Summary**

Since inception of the grant program in 1997, California’s dedication to ensuring that the grant-related services are widely available, accessible, and affordable for low-income families has been a significant policy goal for the grant program. With the support of federal grant funds, free and low-cost sliding scale services are now permanently available in approximately 27 of the 58 counties. Court and community local service providers over the past 10 years have successfully included more than 23 superior courts, which represent programs involving 37 counties and 78 nonprofit agencies, and more

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<sup>9</sup> Judicial Council of California, Administrative Office of the Courts (AOC), *California’s Access to Visitation Grant program, Fiscal Year 2005–2006, Annual Report to the California Legislature* (July 2007) p. 7.

<sup>10</sup> Fam. Code, § 3204(b)(3).

<sup>11</sup> The \$45,000 and \$60,000 funding cap was modeled after the AOC’s Court Appointed Special Advocate grant program, and the \$100,000 cap was consistent with the approximate amount of total funds received and spent in previous years by grant recipients.

than 41,000 families have been served from fiscal year 1997–1998 through 2006–2007. Nationally, more than 400,000 parents have received access to visitation services between fiscal years 1997 and 2006.

The programs have achieved success over the years not only in the number and quality of services provided, but through strong and solid infrastructure they have established formal program policies, procedures, forms, and processes that have made key contributions to the delivery and support of court-based services for families.

A major accomplishment under the grant has been the courts' and subcontractors' ability to use Access to Visitation Grant funds to leverage other supplemental funding. All of the grantees are required to develop and implement strategies to supplement federal funds with other sources of funding.<sup>12</sup> The report highlights the success stories of several grantees in establishing new collaborative partnerships with national, state, and local entities. It also includes other successful accomplishments by the courts and subcontractors through the years.

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 and increasing demands for services continue to impede the courts' and subcontractors' ability to expand or maintain current service delivery levels for parents and children. As outlined in the report, the demand for visitation services outpaces the resources available to offer services. The most urgent need expressed by the courts, grantees, and subcontractors and the most challenging programmatic issue continues to be increased national funding and identification of adequate state funding.

Without increased funding support, courts and communities will continue to be limited in the number of families served, hours of service delivery will remain stagnant, expansion to accessibly located sites and facilities will be impossible, waiting lists continue to be unavoidable, providers will not have the multilingual capacity to serve the diverse populations, and low-income families and families in rural counties will continue to be underserved.

### **Future Projects**

The Judicial Council of California and the Administrative Office of the Courts will continue to actively work with the federal Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human

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<sup>12</sup> The following is a list of diverse supplemental funding sources for access to visitation grantees: United Way; Office of Child Abuse Prevention, Intervention, and Treatment; Victims of Crime Act; local bar associations; rotary clubs; community retailer businesses; and private and public foundations. Other mechanisms for generating program revenue have included in-kind contributions and gifts, donations, fundraising events, client fees, and localized trainings.

Services, the Family and Juvenile Law Advisory Committee, courts, grant recipients, and the state Legislature to address programmatic challenges and enhance high-quality program service delivery for all California families receiving access to visitation services.

It is anticipated that during fiscal years 2007–2009, California’s Access to Visitation Grant Program will undertake an examination of the grant-related services and court and client needs with the overarching intent of: (1) developing a roadmap for more comprehensive service delivery; (2) clarifying future directions and goals of the grant program; and (3) creating both long- and- short-term strategies for addressing ongoing challenges. The grant program will consult *A Collaboration and Strategic Planning Guide for States: Child Access and Visitation Programs* for setting guidance and framework for the reassessment, reevaluation, and redesign of California Access to Visitation Program services, where appropriate and feasible.

The guide was produced by the federal Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services. It was released in March 2007. The guide describes how to establish an effective partnership among state Access to Visitation Grant Programs, courts, child support agencies, and other public and community agencies in analyzing statewide needs and service delivery, assessment of individual state programs and developing a statewide access to visitation service strategy to respond to the needs of noncustodial parents.<sup>13</sup>

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<sup>13</sup> Memo to all state IV-D directors and state Access to Visitation Grant program coordinators from the U.S. Department of Health and Human Services, Administration for Children and Families (March 2007).



## Introduction

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. 104–193, 110 Stat. 2258) was signed into law. The new law transformed the nation’s welfare system primarily by replacing the Aid to Families With Dependent Children (AFDC) program with a new program called Temporary Assistance to Needy Families (TANF), which provided states with necessary funds to help families escape welfare. What is often underreported is that the new “welfare reform” law also made significant changes to the child support program—child support policies moved toward an approach that *emphasized a parents’ ability and willingness to pay* support and a plan for *strengthening families* by improving relationships between noncustodial parents and their children.

While Congress underscored its intention of holding parents accountable for financially supporting their children when it made improved child support enforcement a key component of PRWORA, Congress also recognized and supported the need to assist noncustodial parents in becoming more responsible and involved in the lives of their children, which in turn affects the child’s well-being, child support, and custody arrangements. Beginning in 1997, as part of PRWORA, Congress authorized \$10 million in block grants to enable states to establish programs that support and facilitate noncustodial parents' visitation with and access to their children. It was under the Child Access Demonstration Projects that the federal Office of Child Support Enforcement took the first steps to support interventions aimed at addressing issues of access and visitation.

California Family Code section 3204(d) 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 state Legislature with detailed information on the programs funded during fiscal years 1997–1998 through 2006–2007 under the state’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. The grant celebrated its 10-year anniversary in fiscal year 2006–2007, and the report highlights program successes and accomplishments, innovative promising practices, and program service delivery gaps and challenges. It also describes California’s Access to Visitation Grant Program Data Collection and Reporting System findings by highlighting the *first* in a series of statistical data collection reports on the families served by the grant program.

Although no formal recommendations are made in the report, it does identify various challenges and complexities regarding the administration and operation of grant-related

services that limit the ability of the grants to address the great demand for program services.

## **Background**

“According to *Custodial Mothers and Fathers and Their Child Support: 2003*, released by the U.S. Census Bureau in July 2006, there are approximately 14 million single parents in the United States today, and those parents are responsible for raising 21.6 million children.”<sup>14</sup> And yet, about half of all children spend some part of their lives apart from one or both of their parents, and most often the parent that does not live with the child is the father.<sup>15</sup> Notably, children in fatherless homes account for 63 percent of youth suicides, 90 percent of homeless/runaway children, 85 percent of children with behavior problems, 71 percent of high school dropouts, and 85 percent of youths in prison, and well over 50 percent of teen mothers.<sup>16</sup> The consequences of divorce, separation, and never-married parents will affect almost all aspects of a child’s life, including most importantly, the parent-child relationship.

The federal Child Access and Visitation Grant Program was created to promote greater noncustodial parental involvement and 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>17</sup> 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 pick-up) and development of guidelines for visitation and alternative custody arrangements.<sup>18</sup>

California Family Code section 3204(b)(1) limits the state’s use of the grant funds to three types of program services:

- Supervised visitation and exchange services;
- Education about protecting children during family disruption;<sup>19</sup> and
- Group counseling services for parents and children.

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<sup>14</sup> Single Parent Statistics [www.singleparents.about.com/od/legalissues/p/portrait.htm](http://www.singleparents.about.com/od/legalissues/p/portrait.htm)

<sup>15</sup> Promoting Responsible Fatherhood, U.S. Department of Health and Human Services, [www.fatherhood.hhs.gov/](http://www.fatherhood.hhs.gov/)

<sup>16</sup> U.S. Divorce Statistics compiled by the U.S. Census Bureau (2002), [www.divorcemag.com/statistics/statsUS.shtml](http://www.divorcemag.com/statistics/statsUS.shtml)

<sup>17</sup> 42 U.S.C. § 669b.

<sup>18</sup> *Ibid.*

<sup>19</sup> This term is synonymous with the terms “parent education” and “education”.



The primary goals of California’s Access to Visitation Grant Program are to enable parents and children to participate in supervised visitation, education, and group counseling programs—irrespective of marital status or whether the parties are currently living separately, permanently or temporarily<sup>20</sup>—and to promote and encourage healthy relationships between noncustodial or joint custodial parents and their children while ensuring the children’s health, safety, and welfare.<sup>21</sup> The overarching policy goal of the grant program is to ensure accessible and available services statewide for low-income families with children who are now or have been in family courts.

The Judicial Council is required to annually apply to the federal Administration for Children and Families, under section 669B of the 1996 federal Personal Responsibility and Work Opportunity Recovery Act” (PRWORA) for Access and Visitation Grant Program funds<sup>22</sup> and to award this funding to the family law division of the superior courts throughout California.<sup>23</sup> State funding allocations under the discretionary formula grant are based on the number of single-parent households.

### **Program Administration**

The California Judicial Council is charged with administering and distributing federal Child Access and Visitation Grant Program funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.<sup>24</sup> During fiscal years 1997 through 2000, the California Department of Social Services (CDSS) was the lead agency and applicant for the federal grant funds. The administration of these funds was based on an interagency agreement between CDSS and the Judicial Council. Beginning in fiscal year 2000, under Family Code section 3204(a), the Judicial Council was charged with overall responsibility for administering the Access to Visitation Grant Program funds.

In addition to the statutory provisions governing the administration of the grant funds, the grant program also receives guidance from the Judicial Council’s Executive and Planning Committee and the Family and Juvenile Law Advisory Committee, the state Legislature, and the federal Administration for Children and Families. The Administrative Office of the Courts Center for Families, Children & the Courts (CFCC) has primary responsibility for administering and managing the grant program.

### *Federal Administration Requirement for States*

Each state that receives the federal Child Access and Visitation Grant funds may administer state programs funded with the grant directly or through grants to or contracts

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<sup>20</sup> Fam. Code, § 3203.

<sup>21</sup> Fam. Code, § 3204(d).

<sup>22</sup> Fam. Code, § 3204(a).

<sup>23</sup> Fam. Code, § 3203.

<sup>24</sup> Fam. Code, § 3204(a).

with courts, local public agencies, or nonprofit private entities.<sup>25</sup> States are not required to operate the programs on a statewide basis and each state is required to monitor, evaluate, and report on such programs in accordance with regulations prescribed by the U.S. Secretary.<sup>26</sup>

### **Grant Topic Areas**

Family Code section 3204(b)(1) provides that the grant funds 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 services for parents and children.

For purposes of California’s Access to Visitation Grant Program, “supervised visitation” is defined as “visitation between a 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.”<sup>27</sup>

Under Family Code section 3202(a), all supervised visitation and exchange programs must comply with all requirements of the uniform standards of practice for providers of supervised visitation set forth in standard 5.20 of the California Standards of Judicial Administration.

California law provides guidance on program activities related to education about protecting children during family disruption. This guidance includes education on parenting skills and the impact of parental conflict on children, ways to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.<sup>28</sup>

Group counseling services under the grant may include services for children as well as services for parents or guardians involved in child custody or visitation disputes, regardless of marital status. The criteria for what constitutes an “eligible provider” for the purpose of providing supervised visitation and exchange services, education, and group counseling are outlined in the state statute.<sup>29</sup>

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<sup>25</sup> 42 U.S.C. 669b(e).

<sup>26</sup> *Ibid.*

<sup>27</sup> Judicial Council of California, Administrative Office of the Courts, *Data Collection and Reporting System Handbook, Access to Visitation Grant Program* [version 2] (2004), p. F-9.

<sup>28</sup> Fam. Code, § 3201(b).

<sup>29</sup> Fam. Code, § 3202(b)(2).

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

The Access to Visitation Grant serves as a key support system along the continuum of court-based services for parents and children going through the critical stages and transition of separation and divorce. There is a significant need for courts, the community, mental health professionals, along with other multidisciplinary specialists, to be cognizant of the broad spectrum of issues that result from divorce and separation and then to provide sufficient resources and services for parents and children in all the necessary aspects of their lives. California’s Access to Visitation Grant Program has been instrumental in providing opportunities for noncustodial parents to establish healthy and positive relationships with their children.

As outlined in previous reports to the state Legislature, the grant-related services are achieving the goals of promoting and encouraging healthy parent-child relationships through the continued development and enhancement of parent education and group counseling programs and supervised visitation services. The courts and subcontractors promote and encourage healthy parent-child relationships by improving parents’ compliance with court orders, facilitating reunification of access contact between noncustodial parents and their children, teaching parents effective conflict resolution and communication skills for problem solving, and allowing opportunities for noncustodial parents and their children to maintain continued contact through safe, secure, supervised visitation and exchange services administered by trained skilled professionals.<sup>30</sup>

The grant promotes and encourages parent–child relationships by offering noncustodial parents supervised visitation services so that parents and children do not lose contact with each other. Using supervised visitation and exchange services provided by trained professionals fosters a neutral, safe, nurturing environment for visitation contact, being a bridge to “normalized” visitation for families.<sup>31</sup>

Supervised visitation and exchange services promote parental involvement and healthy parent-child relationships by:<sup>32</sup>

- Allowing noncustodial parents to establish a relationship with their children;
- Creating and maintaining a physically safe and nurturing environment for parent–child contact;

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<sup>30</sup> Judicial Council of California, Administrative Office of the Courts, *California’s Access to Visitation Grant Program, Fiscal Year 2005–2006, Annual Report to the California Legislature* (July 2007), p. 7.

<sup>31</sup> Judicial Council of California, Administrative Office of the Courts, *California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, the First Five Years* (March 2002), p. 8.

<sup>32</sup> Judicial Council of California, Administrative Office of the Courts, *California’s Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004, Annual Report to the California Legislature* (March 2004), p. 9.

- Providing a structured setting in which the emotional well-being of the child is monitored and abuse and manipulation are not tolerated;
- Teaching parents, when it is appropriate, necessary techniques and skills to help families make the transition to unsupervised visits;
- Ensuring that services are provided by highly skilled, trained professionals; and
- Establishing centrally located service sites so families have the opportunity to keep family bonds in place.

Parent education programs have allowed parents opportunities to learn how to put parenting agreements into effect that encourage and promote the best interest of their children. This helps parents develop an understanding on how divorce and separation affect their children and what they can do to make the situation easier and helps them to recognize and deal more effectively with the emotional consequences of separation and divorce, and techniques and strategies on how to communicate with the child's other parent.<sup>33</sup> These programs have helped children learn to identify and communicate their feelings and experiences about the divorce or separation, talk about changes in the family, understand the basic concept about the legal process of separation and divorce and custody decision-making, and use constructive methods for dealing with difficult situations.<sup>34</sup>

Rebuilding and sustaining healthy family relationships and helping family members improve their relationships with each other, where appropriate, remain the cornerstone of these grant-related services.

### **Program Monitoring**

According to the federal statute, states are required to monitor, evaluate, and report on programs funded through the grant—on an annual basis—in accordance with regulations prescribed by the Secretary of the Department of Health and Human Services (45 C.F.R. 303.109). California's Access to Visitation Grant Program monitoring of grantee programs draws on multiple sources and methods, with feedback from the courts, clients, community stakeholders, and service providers at the local, regional, and state levels. Methods also 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 meetings (including an annual grantee orientation), and data collection and document analysis. Many of the grantees use client feedback surveys and questionnaires to assess their own service delivery. In addition, all grantees are required to submit monthly statistical data reports (i.e., California's Access to Visitation Grant Program Data Collection and Reporting System).

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<sup>33</sup> Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, The First Five Years* (March 2002), p. 8.

<sup>34</sup> Shasta Cascade Kids' Turn program brochure.

This includes state and federal grant reporting requirements for monitoring its activities and measuring outcomes, as well as quarterly progress summary reports. The quarterly progress report provides a thorough and accurate account of project activities and progress during the required reporting time period.

California's *Access to Visitation Quarterly Summary Progress Report* includes information on the following:

1. *Narrative Summary*: This section is a thorough and accurate report of program activities and progress during the required time period. It includes a detailed discussion of the clients served, programmatic issues and problems encountered, proposed changes or modifications of project tasks, and any challenges or concerns regarding administration of the grant program. In addition, the programs report on the following, since the data collection system does not collect this information: (1) number of intakes; (2) number of no shows, or cancellations, or noncompliance by one of the parents that resulted in access to visitation services not being provided to the noncustodial parent (e.g., one of the parents did not follow through with the program rules or policies); (3) whether there is a waiting list for families to receive services (i.e., how many families are on the waiting list and how long is the typical wait before commencement of services); and (4) complaints or grievances.
2. *Schedule Status*: This section states whether the program is progressing according to the proposed project plan. If delays have been experienced, this section should include a discussion of how the program will be brought back on schedule or note any necessary revisions to the schedule.
3. *Financial Status*: This section includes a narrative report comparing costs to date with the approved budget plan. The report provides information on whether the project is progressing within the approved budget and discusses any proposed changes to the approved budget.
4. *Training and Standards of Practice*: This section includes a description of training and continuing education efforts provided or conducted by staff. It describes any issues, concerns, or challenges related to California's standards of practice, as well as requests for AOC technical assistance and training.
5. *Activities Planned for the Next Period*: This section includes a discussion of accomplishments anticipated in the upcoming reporting period. When appropriate, it will also include a discussion of difficulties expected in the next quarter and methods proposed for dealing with these difficulties.

Furthermore, California's Access to Visitation Grant Program staff works closely with grantees to evaluate how effectively the funded programs are meeting the objectives of providing safe access for children and their parents. In addition to measuring the frequency of program use, grantees assess their own performance by gathering feedback from users, other service providers, and their communities. The evaluation system employed by the grant program staff is the use of a computer program logic model for qualitative and quantitative data. Feedback from this system is used to identify program strengths and weaknesses and to improve overall service delivery.



## Programs Funded for Fiscal Years 1997–1998 Through 2006–2007

Under California’s Access to Visitation Grant Program, grant funding is awarded to the family law division of the superior courts through a statewide request-for-proposals grant application process. 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.<sup>35</sup> While the superior courts may contract with local community-based nonprofit agencies to provide the direct services on behalf of the court, contract agreements are made only with the designated superior court. Special consideration for grant funds is given to programs that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.<sup>36</sup>

### **Review and Selection Process**

The Judicial Council determines the final number and amounts of grants.<sup>37</sup> The council is also responsible for approving as many proposals as possible while ensuring that each project it approves will provide beneficial services and satisfy the overall goals of the grant program.<sup>38</sup> The methodology used to review and select grant proposals is designed to maximize the availability of services and resources that meet the funding and evaluation criteria in Family Code section 3204(b)(2).

To ensure a fair and unbiased selection process, the council’s Family and Juvenile Law Advisory Committee approved the establishment of a Selection Review Committee (SRC). The SRC was responsible for reviewing the grant application proposals and submitting its funding recommendations directly to the Judicial Council’s Executive and Planning Committee. On review and consideration of the SRC recommendations, the Judicial Council allocated the grant funds.

Specific details pertaining to the role and responsibility of the SRC and criteria related to the review and selection process can be found in the following annual reports to the Legislature:

- *California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, the First Five Years* (March 2002);
- *California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, Fiscal Years 2001–2002 and 2002–2003*, (February 2003);

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<sup>35</sup> Judicial Council of California, Administrative Office of the Courts, *California’s Access to Visitation Grant Program, Fiscal Year 2005–2006, Annual Report to the California Legislature* (July 2007), p. 7.

<sup>36</sup> Fam. Code, § 3204(b)(3).

<sup>37</sup> Fam. Code, § 3204(b)(2).

<sup>38</sup> Fam. Code, § 3204(b)(2).

- *California's Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004*, (March 2004); and
- *California's Access to Visitation Grant Program, Fiscal Years 2003–2004 and 2004–2005*, (March 2005).

### **Program Funding Preference**

For 2005–2006 and 2006–2007, and 2007–2008 and 2008–2009, the grant proposals were evaluated with a preference for funding continuation programs. The grant proposals selected demonstrated a strong history of sound fiscal management and program administration, compliance with federal and state grant reporting requirements, and documentation of beneficial and model services that satisfied the overall goals of the grant program. Consistent with the directives of Family Code section 3204(b)(2), the grant funding awards continued to support the goals of the grant program to reach the greatest number of single-parent/family households; represented statewide geographical diversity in service delivery, including population and court size; included multicourt collaborations; and offered a range of various grant-related services.

A multiyear funding cycle and a preference to fund continuation programs for fiscal year 2005–2006 through fiscal year 2008–2009 was created to help support the statewide goal of developing and implementing effective model programs that can be replicated in jurisdictions across the state. Since the inception of the grant program, many court and community service providers have established high-quality service approaches and have designed promising practices for their programs. The successes of the various courts and subcontractors in developing and maintaining their program services have contributed greatly to the overall improvement of court proceedings involving families and children. Through institutionalization of lessons learned, the grantees are building greater program sustainability and effective program practices.

Moreover, funding for continuation programs has helped reduce potential start-up risks associated with unspent funds for new access to visitation programs, prevent expenditure of funds on implementation and program design rather than on direct services, and minimize overhead costs associated with mandatory staff training to ensure compliance with standard 5.20 of the California Standards of Judicial Administration.

When replicated statewide, effective promising practice programs will serve as models on national, state, and local levels. This framework was consistent with the council's *Leading Justice Into the Future: Operational Plan for California's Judicial Branch, Fiscal Years 2003–2004 through 2005–2006* and the proposed objective to identify and evaluate effective models of practice and report to the Legislature and the Judicial Council on the implications of implementing such programs statewide (where appropriate), including the benefits of the programs and their potential impacts on judicial resources.



Consistent with the council’s prior decisions to give funding preference to existing programs, the funding preference recommendation for continuation funding supports the goal of the grant program to streamline administrative processes and reduce overhead for the courts and their subcontractors, while moving programs and services toward statewide uniformity and promising model programs.

It is important to note that before the implementation of multiyear funding and priority preference for continuation programs, the ability to effectively assess and evaluate program service delivery across the sites was very limited. Because the grant program is not a continuation grant, and many programs that were funded before fiscal years 2003–2004 and 2004–2005 either closed or became defunct as a result of loss of federal access to visitation funding. Each year some previously funded programs would receive renewal funding, while others were unsuccessful. Minimally, through the principle of priority funding for continuation programs, the grant administrator has been able to adequately describe types and models of program services, key program findings and challenges, and proposed promising practices. The continuation programs will be the foundation and serve as a resource for other courts seeking to start up a grant services program.

Given the fiscal constraints of funding and the absence of state funding for the grant-related services, challenges remain on how to fund new access to visitation programs in counties where services currently do not exist. Administrative Office of the Courts staff and the Family and Juvenile Law Advisory Committee have struggled with this dilemma over the years and have concluded that it is unwise to fund new programs when it will lead to the closure of existing programs.

### **Grant Award Amounts and Funding Allocations**

The funding allocation to the states is based on the number of single-parent households. According to the U.S. Census, California has the greatest number of single-parent households (1,229,119 single family households);<sup>39</sup> therefore, the state receives the maximum allocation of federal funds (i.e., approximately less than \$1 million<sup>40</sup>). This amount represents less than 10 percent of the total amount of national funding.

The total federal funds received for the 10-year grant period was \$10,998,784. The total grant funds awarded to the courts throughout California was \$8,996,100. Each state is required to provide a 10 percent match for its federal grant funds received.

### **Match Requirement**

All Access to Visitation Grant Program courts and their subcontractors are required to provide a 20 percent (nonfederal) funding match. The 20 percent match requirement was

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<sup>39</sup> See footnote 7.

<sup>40</sup> The census data are adjusted every three years. As a result, funding allocations to the states may result in an increase or a decrease based on the number of single-parent households.

designed for several purposes: (1) to increase overall funds for local Access to Visitation Grant Programs; (2) to leverage additional funding for program sustainability; and (3) to help meet the federal requirement of a 10 percent minimum state match. The match requirement was seen as a mechanism toward supporting the state program goal of sustainability and the courts' and subcontractors' demonstrated commitment to continue the grant program if federal funding were no longer available. Program sustainability has been a key policy goal of the grant program. In the grant application, applicants were required to submit a sustainability plan and course of action that describes the program's proposed development plan for the fiscal year, including resources for supplemental funding, and results of previous funding efforts.

The match requirement also was viewed as a steppingstone to help the courts and subcontractors leverage supplemental funding. Furthermore, because of limited grant funds, many of the applicant family court services managers and directors that oversee and manage the court or collaborative partnership grants were not setting aside grant funds to pay for expenses associated with program administration and oversight but selected instead to pass the grant funds directly to their subcontractors to ensure direct service delivery for as many families as possible. The need to capture these grant-related tasks (e.g., submission of statistical data and progress summary reports, grant accounting, assuring compliance with state standards of practice) were essential to understanding the total cost of operating and administering an Access to Visitation Grant Program. Most of the applicant courts costs for management and oversight are primarily absorbed by their individual courts, minus the match requirement.

Court or subcontractor matches can be made either through cash or in-kind contributions. The courts and subcontractors have fulfilled the 20 percent match requirement primarily through in-kind contributions of facility space, trainings, use of volunteer time to support supervised visitation and parent education services, and to pay for program administration and oversight of their grant programs.

### **Grant Award Amounts**

For fiscal years 1997–1999, the Judicial Council approved grant funding for all proposals submitted for funding. However, for fiscal year 1997–1998, grantees had less than three months to spend their funds and funding for the first two years was used predominately for start-up and program development costs. For fiscal year 1999–2000, the Judicial Council received 12 grant applications representing 39 counties, for fiscal year 2000–2001, the council received 12 grant applications representing 33 counties, and for fiscal year 2001–2002, the council received 23 grant applications representing 40 counties.<sup>41</sup>

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<sup>41</sup> Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, The First Five Years* (March 2002), p. 10.

In fiscal year 2002–2003, funding was capped at \$80,000 for any one applicant court. However, to address the funding concerns of courts with larger populations, a funding allocation cap based on county population size was established for fiscal years 2003–2004 and 2004–2005. This funding allocation cap continues to represent current levels of funding for all applicant courts. The following are the maximum grant amounts for which courts could apply:<sup>42</sup>

- \$45,000 for counties or collaboratives in which the population is less than 250,000;
- \$60,000 for counties or collaboratives in which the population is more than 250,000 but less than 1 million; and
- \$100,000 for counties or collaboratives in which the population is more than 1 million.

Table 1 shows the range of grant awards and table 2 shows the federal grant award allocations to the state and grant awards to the courts for 10 years. Appendix D is a listing of all grant recipients funding from 1997–1998 through 2006–2007. Appendix E is a summary spreadsheet that shows federal funding allocation to the state of California and amounts awarded to the applicant courts for the 10-year grant period (i.e., from 1997–1998 through 2006–2007).

**Table 1. Range of Grant Awards.**

Grant Fiscal Year	Range of Grant Awards	Grant Awards to the Applicant Courts	Total Court and County Collaborations
1997–1998	\$10,000–\$300,000 <i>(grant awards ranged from \$13,000 to \$200,000)</i>	14	37
1998–1999	\$80,000–\$300,000 <i>(grant awards ranged from \$45,000 to \$162,000)</i>	8	25
1999–2000	\$30,000–\$200,000 <i>(grant awards ranged from \$16,000 to \$96,000)</i>	10	31
2000–2001	\$30,000–\$90,000 <i>(grant awards ranged from \$18,000 to \$81,000)</i>	10	30
2001–2002	\$30,000–\$80,000 <i>(grant awards ranged from \$30,000 to \$80,000)</i>	14	28

<sup>42</sup> The \$45,000 and \$60,000 funding cap was modeled after the AOC’s CASA grant program, and the \$100,000 cap was consistent with the approximate amount of total funds received and spent in previous years by grant recipients.

2002–2003	\$80,000 maximum (grant awards ranged from \$18,000 to \$80,000)	16	34
2003–2004	Maximum awards based on population size (grant awards ranged from \$45,000 to \$100,000)	14	27
2004–2005	Maximum awards based on population size (grant awards ranged from \$45,000 to \$100,000)	13	26
2005–2006	Maximum awards based on population size (grant awards ranged from \$45,000 to \$100,000)	13	26
2006–2007	Maximum awards based on population size (grant awards ranged from \$45,000 to \$100,000)	14	25
2007–2008	Maximum awards based on population size (grant awards ranged from \$45,000 to \$100,000)	13	24

**Table 2. Federal Allocations to the State and Grant Amounts to Courts.**

<b>Fiscal Years</b>	<b>Total Federal Allocation to California<sup>43</sup></b>	<b>Total Grant Amount to Courts</b>
<b>1997–1998</b>	1,113,750	1,001,167
<b>1998–1999</b>	1,113,750	901,725
<b>1999–2000</b>	939,838	798,945
<b>2000–2001</b>	987,501	799,225
<b>2001–2002</b>	987,501	800,000
<b>2002–2003</b>	970,431	800,000
<b>2003–2004</b>	970,431	780,000
<b>2004–2005</b>	988,710	780,000
<b>2005–2006</b>	988,710	780,000
<b>2006–2007</b>	987,973	783,500
<b>2007–2008</b>	950,189	771,538
<b>Totals</b>	<b>\$10,998,784</b>	<b>\$8,996,100</b>

### **Multiyear Grant Awards**

Prior to fiscal year 2003–2004, courts had to apply for new funding each year. In the past, federal funding from this grant had been renewed for some courts, enabling their program services to continue, while for other courts the limitations on available funding meant that programs could not continue to operate. With stretched staff and court resources, time spent on extremely cumbersome and time-consuming annual grant applications inevitably meant fewer dollars to support client services. The Family and Juvenile Law Advisory Committee considered the above issues and approved the AOC staff recommendation to consider movement toward a multiyear funding grant cycle. Beginning in fiscal years 2003–2004 and 2004–2005, the Judicial Council approved a multiyear funding cycle to: (1) help alleviate the courts’ burden of reapplying for continued funding each fiscal year; (2) prevent the interruption of service delivery for existing programs; (3) build program continuity; and (4) maintain current service levels as proposed in the grant application proposals.

### **Midyear Reallocation**

Each year or multiyear period, the funding requested by the courts far exceeds available federal funds. The federal Office of Child Support Enforcement is required to monitor and track whether states have spent their full grant award allocation. Under federal guidelines, unused funds do not roll over to the next fiscal year but revert back to the federal government.

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<sup>43</sup> See footnote 40.

During fiscal years 2003–2004 and 2004–2005, with implementation of a multiyear grant funding cycle, the grant program instituted a midyear reallocation process to ensure that state grant funds would be spent each fiscal year.<sup>44</sup> However, the ability of the Administrative Office of the Courts to redistribute additional funds depends on the return of funds by courts that did not anticipate spending their full grant allocation.

Because no court indicated that it would not spend its full grant award allocation, excess or additional funds were not available for redistribution for fiscal year 2003–2004 and fiscal years 2005–2006 and 2006–2007. However, in fiscal year 2004–2005, the Judicial Council approved the equal distribution of available reallocation funds to the Superior Courts of Mendocino and Shasta Counties as a result of the closure of the Superior Court of Madera County’s Access to Visitation Grant Program.<sup>45</sup>

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<sup>44</sup> Each applicant court receives a midyear reallocation questionnaire to help the program manager evaluate and project the courts’ and subcontractors’ funding needs and to determine whether courts will use their full grant allocations. Program managers and grant accountants review the spending patterns of the courts and subcontractors for expenditures reimbursable under the grant.

<sup>45</sup> The criteria used to determine midyear reallocation among the courts include: number of counties served by the grant; number of community-based agencies participating in the grant; whether the court has received previous funding; number of program services; an existing waiting list for services; history of spending pattern; and fiscal management of the grant.

## Program Successes and Accomplishments

Since inception of the grant program in 1997, California's dedication to ensuring that the grant-related services are widely available, accessible, and affordable for low-income families has been a significant policy goal for the grant program. With the support of federal grant funds, free and low-cost sliding scale services are now permanently available in approximately 27 of the 58 counties. Court and community local service providers over the past 10 years have successfully included more than 23 superior courts, which represent programs involving 37 counties and 78 nonprofit agencies, and more than 41,000 families have been served (i.e., this includes noncustodial parents, custodial parents, children, grandparents, and legal guardians). Nationally, more than 400,000 parents have received access to visitation services between fiscal years 1997 and 2006.

### **Program Resources**

The programs have achieved success over the years in the number and quality of services provided. Also, through strong and solid infrastructure, they have established formal program policies, procedures, forms, and processes that have made key contributions to the delivery and support of court-based services for families going through family court. The access to visitation courts together with their subcontractors have also developed excellent resources (e.g., videos, brochures, training materials, pamphlets, orientation handbooks, and a declaration form) that can be used and shared with other courts statewide for developing and operating parent education and supervised visitation and exchange services.

Below are a few highlights of available resources:

- “A Guide for the Nonprofessional Provider of Supervised Visitation” (English and Spanish). An FAQ booklet for nonprofessional providers of supervised visitation;
- “Supervised Visitation and You.” An informational brochure that provides answers to questions from parents regarding supervised visitation;
- A monitored exchange training video and CD-ROM that provides information on monitored exchange services;
- “For Our Children—Helping Parents Help Their Kids.” A 12-week curriculum for never-married, separated, or divorced parents for whom domestic violence has been an issue; and
- High-Conflict Parent Education Program. Parent education curriculum designed particularly to address highly conflicted parents who are involved in litigation and conflict.

The most requested resource publication over the years for California's Access to Visitation Grant Program has been the “Supervised Visitation and You” brochure. The

grant program has purchased and distributed more than 6,000 copies of the brochure to statewide superior courts and family law facilitator offices,<sup>46</sup> that distribute them to parents going through family court. The brochure has been made available through the California courts self-help Web site located at [www.courtinfo.ca.gov/selfhelp/family/custody/visitation.htm](http://www.courtinfo.ca.gov/selfhelp/family/custody/visitation.htm).

Additionally, numerous requests have been made by the courts for the High-Conflict Parent Education Program and the For Our Children—Helping Parents Help Their Kids education curriculum. However, limitations of funding have restricted the amount of such reproductions.

Moreover, many of the programs have developed county-based information resources to assist families in understanding the court process (e.g., a courthouse guide or family law process chart; brochures pertaining to their local family law facilitator’s office; and monthly and quarterly newsletters about supervised visitation and parent education services). For a detailed list of resources and products developed with California’s Access to Visitation Grant funds, please see the following report to the state Legislature: *California’s Access to Visitation Grant Program, Fiscal Years 2003–2004 and 2004–2005*.

### **Grantee Accomplishments**

Significant to the courts and subcontractors, the programs have successfully used Access to Visitation Grant funds to leverage other supplemental funding to support their grant-related services. All the grantees are required to develop and implement strategies to supplement federal funds with other sources of funding. Some grantees have been more successful than others, but many of the Access to Visitation grantees have been able to sustain their programs through a diverse source of funding: United Way; Office of Child Abuse Prevention, Intervention, and Treatment; Victims of Crime Act (this has supported therapeutic visitation); local bar association, local First Five Commission; rotary clubs; community retailer businesses; and private and public foundations. Other mechanisms for generating program revenue have included in-kind contributions and gifts, community and individual donations, fundraising events, client fees, and localized trainings.

The following are examples of success stories where grantees have been able to establish new collaborative partnerships with national, state, and local entities.

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<sup>46</sup> In California, there is an Office of the Family Law Facilitator located in every county that provides self-represented litigants with information, forms, and procedural guidance related to child support, spousal support, and health insurance issues. A family law facilitator is an attorney licensed to practice law in California who has been appointed by the superior court of a California county. Each superior court is required to maintain office of the facilitator to assist self-represented litigants, regardless of income, with issues of child support, spousal support, and health insurance (extracted from a *Quick Reference Guide to the California Offices of the Family Law Facilitator*).



### **Superior Court of California, County of Fresno<sup>47</sup>**

As part of California's Access to Visitation Grant Program, the Superior Court of Fresno County has contracted with Comprehensive Youth Services (CYS) since 2003 to provide supervised visitation and parent education best practice models. The program complies with industry safety and service standards to meet the following programmatic goals: (a) improve or establish family relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of the minors; (b) improve children's well-being through positive contact with their noncustodial parents; and (c) improve custodial and noncustodial parenting skills. Through its work in the community and on the Access to Visitation Grant, CYS identified an unmet need to offer intensive services focused on increasing the parenting skills and healthy behaviors of noncustodial fathers. The agency wanted to complement the program by providing adjunct services for noncustodial parents who would benefit from them but had not been ordered by the court to use them. Without financial assistance such as that provided by the Access Grant; however, many families in impoverished Fresno County could not afford parenting education or therapeutic services. Therefore, a critical component of the project's success would be to provide financial assistance to noncustodial parents participating in the program.

As a result, in 2007 CYS leveraged the success of the Access Grant to obtain grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families to establish the DADS Program. The program is designed to promote responsible fatherhood, improve the relationships of fathers with their children, and assist fathers in overcoming barriers that may keep them from being effective and nurturing parents. The program targets families with children and youth who have been exposed to child abuse, neglect, or domestic violence or who are at risk for attachment disorders. As in the Access to Visitation Program, one of the unique services offered by the DADS Program is therapeutic supervised visitation. This service offers a structured mental health therapy component run by a licensed clinician who uses instruction, modeling, and counseling to repair and strengthen the parent-child relationship. The DADS Program is an example of how funding and support of the Access to Visitation Grant has led to increased services that support relationships between parents and children.

### **Superior Court California, County of Mendocino<sup>48</sup>**

As part of California's Access to Visitation Grant Program, the Superior Court of Mendocino County has contracted with Family Enhancement Services (FES) since 1997

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<sup>47</sup> This information was provided by the Access to Visitation project director for the Superior Court of Fresno County.

<sup>48</sup> This was extracted in part from the court's grant application to the AOC/CFCC for fiscal years 2007–2008 and 2008–2009 for continuation funding. Additional information was added by the AOC Access to Visitation Grant Program manager.

to provide supervised visitation and exchange services and parent education. The court's Parenting Apart Program in Mendocino County is a mandatory educational workshop for parents who are divorcing, are separated, or are involved in custody and visitation disputes. The workshop focuses on children's needs before, during, and after the family experiences the transition of separation or divorce. It teaches parents the importance of coparenting, to ensure healthy parent-child relationships.

The court-based parent education program offers families two choices for participation: (1) parents can attend a daylong workshop that is offered once a month in Ukiah or Willits that teaches them about the effects of divorce and separation on their children through presentations by two facilitators, videos, group work, and group sharing; or (2) parents can participate using distance learning. This educational tool affords an opportunity for parents who are not able to physically attend the workshop because of injury, disability, geography, or costs (i.e., gas prices and child care) to complete the court-mandated program by completing a Parenting Apart Home Study packet (video, course materials and evaluation) developed through Access to Visitation funding.

The court and FES wanted to offer the parenting workshop in Spanish but lacked sufficient Access to Visitation funding to do so. After considerable effort, FES handed off the Spanish version of Parenting Apart to a local Latino family resource center (Nuestra Casa) in Ukiah. The family resource center was able to obtain its own funding through their local First Five to fund the program. First Five also provided staff to evaluate the Parenting Apart curriculum and helped FES develop a logic model for the program. A program logic model is used primarily as a management or planning development tool for assessing program effectiveness through the use of four steps: inputs, activities, outputs, and outcomes. One of the key insights of a logic model is the importance of measuring final outcomes and results. The court and FES anticipates that this will be used to help find additional funding for the English workshops and evaluation of the supervised visitation program.

In 2007, the Nuestra Casa agency lost its First Five funding but was so pleased with the programs it decided to proceed without funding (a small fee is charged to the parents). A recent anecdote to the success of the program follows: "A father returning to mediation after attending Crianza Separada said that he realized after listening to his coparticipants how hard divorce is on the kids, and he and his wife are going to work on reconciliation."<sup>49</sup>

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<sup>49</sup> Information provided by e-mail to the Access to Visitation Grant Program manager and the program manager ensured the privacy of the court's response.

### **Unified Family Court of San Francisco County<sup>50</sup>**

As part of California's Access to Visitation Grant Program, the Unified Family Court of San Francisco County has contracted with Rally Family Visitation Services of Saint Francis Memorial Hospital since 1997 to provide supervise, one-on-one visitation and exchange services for low-income separated, divorced, or unmarried parents and their children who are involved in custody and visitation proceedings under the Family Code.

In fiscal year 2005, Rally developed an agreement with San Francisco State University's School of Social Work and hosted graduate students and interns to assist with operation of supervised visitation services. In 2006, the program developed an additional agreement with the California State East Bay University's School of Social Work and hosted four student interns. These bachelor's and master's degree students provided a total of 2,811 hours of direct service hours in the last two years. With funding limitations unable to meet the demands for service, this has been a valuable addition to the program. The 2,811 intern hours, translated to more than \$50,000 in program revenue. Community volunteers provided another 159 hours in general program support during the same period, which translates to approximately \$2,500 in revenue. Rally expects to continue to work with Saint Francis Memorial Hospital volunteer office and with local universities to ensure similar support in the future.

Additionally, during 2006, Rally's services gained new recognition with the city and county of San Francisco's elected officials and community partners. For the first time, and in collaboration with the San Francisco Department on the Commission of Status of Women, the program was awarded the first sole-source grant through the mayor's Office of Criminal Justice. Rally also was able to obtain additional funding from Blue Shield and the U.S. Department of Justice, Office on Violence Against Women, Safe Havens: Supervised Visitation and Safe Exchange Grant Program. The Safe Havens project is the result of a collaboration with the San Francisco Unified Family Court, the domestic violence agency La Casa de Las Madres, the San Francisco Department of Children Youth and Families, and the SafeStart Initiative.

### **Superior Court of California, County of Santa Clara<sup>51</sup>**

As part of California's Access to Visitation Grant Program, the Superior Court of Santa Clara County has contracted with several different subcontractor agencies since 1997 to provide supervised visitation and exchange services at three community sites. The program has been a collaboration partnership between the Superior Courts of Santa Clara

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<sup>50</sup> This information was extracted in part from the Unified Family Courts of San Francisco grant application for fiscal years 2007–2008 and 2008–2009 to the AOC, with minor edits/additions made by the AOC Access to Visitation Grant Program manager.

<sup>51</sup> The original grant application submitted for funding included the Superior Courts of Monterey, San Benito, San Mateo, Santa Clara, and Santa Cruz Counties, as court collaborations under the application of the City Counsel Office of Santa Clara County. The grant requires collaborative partnerships between the courts, a local supervised visitation agency provider, and a local domestic violence organization.

and San Mateo Counties to provide (1) stable and safe situations for children and to support healthy behavior by parents, (2) increase children's access to their noncustodial parents and the noncustodial parents' sense of emotional and financial responsibility for their children, and (3) improve the quality of parent/child relationships through parenting skill modeling and education.

In fiscal year 2000, Santa Clara County, in collaboration with San Mateo County and Santa Cruz County, sought federal funding through the U.S. Department of Justice, Office on Violence Against Women, Safe Havens: Supervised Visitation and Safe Exchange Grant Program. The Safe Havens project was authorized under the Violence Against Women Act (VAWA) of 2000 to increase opportunities for supervised visitation and safe exchange, in cases of domestic violence, child abuse, sexual assault, and stalking.<sup>52</sup> As part of this grant program, the Office on Violence Against Women (OVW) developed and implemented a four-year demonstration initiative to examine promising practices in the field of supervised visitation and safe exchanges.<sup>53</sup>

In fiscal year 2002, OVW awarded grants to four demonstration sites; the city of Santa Clara was selected as one of the sites. "Since implementation, the demonstration sites have conducted local audits to examine the role of supervised visitation, explored the issue of supervised visitation services for underserved populations, and measured the effectiveness of physical security measures for visitation facilities. Under the Safe Havens Demonstration Initiative, the selected demonstration sites identified and implemented promising practices, developed national standards and protocols, implemented enhanced security measures, expanded community partnerships, and created specialized services for victims and their children within targeted communities. In addition to the aforementioned goals and objectives, each demonstration site received enhanced technical assistance and participated in an evaluation designed to measure the effectiveness of the local demonstration projects."<sup>54</sup>

Superior Court of Santa Clara County also secured funding from the First Five Commission to provide funding to families with children ages five and under. The court uses part of the funding to support therapeutic supervised visitation services. Proposition 10, also known as the California and Families Act of 1998, created the First Five California Children and Families Commission.<sup>55</sup> The key purpose of First Five California is to promote, support, and improve the early development of children from prenatal to five years of age.<sup>56</sup>

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<sup>52</sup> U.S. Department of Justice, Office on Violence Against Women, *Safe Havens Demonstration Initiative*, [www.ovw.usdoj.gov/safehavens.htm](http://www.ovw.usdoj.gov/safehavens.htm)

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> First Five California 2006–2007 Annual Report, p. 1-1.

<sup>56</sup> *Ibid.*

### **Superior Court of California, County of Tulare<sup>57</sup>**

As part of California's Access to Visitation Grant Program, the Superior Court of Tulare County has contracted with Family Services of Tulare County since 2004 to provide supervised visitation services for the counties of Kings and Tulare. The program goal is to facilitate noncustodial parents' access to and visitation with their children by providing a neutral, comfortable, safe, and affordable visitation site. Family Services of Tulare County initiated its supervised visitation program as a pilot program with no public funding. As outlined in the court's response to the AOC/Center for Families, Children & the Courts (CFCC) grant application for fiscal years 2007–2008 and 2008–2009, "the most significant accomplishment resulting from continued funding is using Access to Visitation funds to leverage other funds. Access provided the base funding to develop model practices that enabled the center to successfully seek Children's Trust Fund and First Five funding. As a result of securing supplemental fund, all cooperating families referred receive services with minimal delay."

### **Superior Court of California, County of Yuba<sup>58</sup>**

The Superior Court of Yuba County has been an Access to Visitation Grant recipient since 2005 and is a regional collaborative model between Yuba and Sutter Counties to provide supervised visitation services in the rural communities that reach out to all families with the goal of developing healthy parent–child relationships. Supervised visitation services are provided by trained professionals in established visitation centers with nurturing, neutral, and safe environments for children and parents.

An excellent example of the courts' leadership and commitment to serving families under the Access to Visitation Grant was demonstrated by the Superior Court of Yuba County when trying to address the challenges of providing much needed parent education and supervised visitation services with limited grant funds. For several years, the Access to Visitation Grant was used to provide parent education; however, the need to provide supervised visitation became insurmountable. Given such, grant funding that was being used to provide parenting classes was moved to support increased supervised visitation so services could be provided to a larger population base. When this occurred, the court decided to continue offering the parenting education classes and absorbed the cost of providing staff time and supplies for this vital program.

The next challenge for the court occurred during fiscal year 2006–2007 when the need for supervised visitation services had increased so much there was a waiting list for clients. There was limited funding from the grant, and additional funding was not available. The director of Family Court Services (FCS) approached representatives from the local police

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<sup>57</sup> This was extracted from the superior courts' grant application to the AOC/CFCC for fiscal years 2007–2008 and 2008–2009 for continuation funding.

<sup>58</sup> This was extracted in part from the superior court's grant application to the AOC/CFCC for fiscal years 2007–2008 and 2008–2009 for continuation funding and the court's quarterly summary progress report.

and sheriff's department to discuss the coordination of days and times that they would have the maximum amount of staff to assist custodial and noncustodial parents with custody exchanges if a problem occurred. This information was passed on to the family law judges so they could order exchanges to occur at these agencies when assistance would be most accessible for families. This approach enabled the program to use more funding from the grant for supervised visitation and eliminates the exchange services component of the program. FCS staff meets regularly with representatives from the sheriff's department, police, and district attorney's office to resolve any issues and challenges, provide updates on the program, and obtain valuable input and insights given by the agencies.

### **2007 Conference: Access to Visitation 10-Year Anniversary Celebration**

On May 9–12, 2007, the Supervised Visitation Network (SVN) hosted its 15th annual conference, *Celebrate—Educate—Innovate*, in the Bay Area. The 2007 conference was a collaborative partnership between SVN and the Judicial Council of California, Administrative Office of the Courts, Center for Families, Children & the Courts, Access to Visitation Grant Program. California's Access to Visitation Grant Program was celebrating its 10-year anniversary. The collaboration brought together more than 347 national and international participants from multidisciplinary fields of practice.

The theme, *Celebrate—Educate—Innovate*, resonated throughout the 24 training workshops with more than 40 faculty presenters, various plenary sessions and luncheon presentations, and pre-/ postconference institutes. Attendees were encouraged to celebrate their shared values and similarities and promote the use of innovative practices and effective programs that support working together to develop long- and short-term strategies for addressing ongoing practice challenges. With the evolving complexity and increasing diversity of families, the need for staff-intensive services, limited funding, and growing operational responsibilities and service expectations, courts and professionals are now required to apply a different set of knowledge, skills, and abilities.

As highlighted at the conference, the U.S. Department of Health and Human Services estimates “that about half of the children in the United States will live in single-parent households before they turn age 18.” Thus, maintaining and building strong working relationships and partnerships between local courts and community programs and other partners and professional leaders will never be more important. Participants were reminded of this as they celebrated during the next 2-3 days the triumphs, lessons learned, and achievements of 10 and 15 years of service delivery, to purposefully seek concrete, strategic, visionary direction to improve the overall efficiency of services and effective administration of child access services and to strive to achieve high standards of professionalism, ethics, accountability, and meaningful performance.

The following are some of the conference highlights.

### *Program Site Visits*

The conference kicked off with a site visit to two California supervised visitation centers, Family Service Agency of San Mateo County and Next Door Solutions to Domestic Violence. Space was initially limited to 30 participants, but more than 45 professionals signed up and participated in the event. The visit consisted of a tour of the site facilities, dissemination of program information, and a question-and-answer session with program staff.

### *National, International, and Political Conference Support*

The conference generated a lot of support from the local California courts and various professional communities throughout the states. Ms. Debra Pontisso, Program Manager, Child Access and Visitation Grant Program, Office of Child Support Enforcement, Administration of Children and Families, U.S. Department of Health and Human Services, participated as a panelist with other state administrators in discussing innovative strategies and approaches to service delivery, as part of the preconference institute events. She also provided a keynote address at the Thursday Access to Visitation luncheon. Her presentation was titled, “The Importance of Statewide Collaboration and Strategic Planning in Serving Fragile Families and Their Children”.

Other key program managers participating at the conference included the program manager from the Office on Violence Against Women (OVW), U.S. Department of Justice, Safe Havens: Supervised Visitation and Safe Exchange Grant Program, who conducted several workshops on the grant program, and the program manager from the Supervised Access Program, Ministry of the Attorney General Office, Toronto, Province of Ontario, Canada, who conducted a panel workshop titled, “Fostering Service Quality—Ontario’s Peer Review Process”. This tool was developed to support the program’s goal of service improvement and accountability and is conducted by a team of service providers.

The conference also generated political support with the reading of a message from Governor Schwarzenegger’s by Ms. Barbara Kaufman, Director of the San Francisco/Bay Area Regional Office of the Governor. SVN and the AOC also were presented with several proclamations. The first proclamation was from the California Governor’s Office and the second proclamation was from the San Francisco Mayor’s Office, which designated Friday, May 11, 2007, as SVN and California Access to Visitation Grant Program Day.





## Innovative Promising Practices

Through the support of federal funding, access to visitation services are now available for vulnerable and at-risk families and children. The success of these grant-related services has helped to strengthen and improve parent-child relationships statewide. Over the years, several grantees have developed innovative promising approaches to service delivery.

### **Superior Court of California, County of Napa<sup>59</sup>**

“When there is concern for the safety or welfare of a child during visits with a noncustodial parent, Napa Superior Court judicial officers may order that visits between that parent and minor child be supervised by a relative, friend or professional. This protocol is proposed as a routine exit strategy from professional Napa Access to Visitation Grant Program supervised visitation or supervised exchange services. It enables the parents through mediation to review and, if possible, agree to a revised visitation plan that continues to provide for the safety and welfare of their children. The protocol is not intended to define or delimit what was intended by the court in the original supervised visitation or supervised exchange order. (Supervised visitation program requirements are described in detail in Fam. Code, § 3200 et seq. and standard 5.20 of the California Standards of Judicial Administration. See Fam. Code, § 3027.5 and § 3048 for specific examples of when supervised visitation may be ordered.)”

The Superior Court of Napa County has been a grant recipient since 1997 and has developed a safe, child-centered program designed to enhance the relationship between noncustodial parents and their children. Initially operated as a court-based program, Napa Access has collaborated with the Cope Family Center in providing supervised visitation/monitored exchange and collateral services since 2003.

Each year, approximately 40 families receive court-ordered professional supervised visitation or exchange services through the Cope Family Center Napa Access to Visitation Grant Program. Because Napa Access has limited funding, the number of families that can be served at any given time is likewise limited. When the number of referrals by the court exceeds the capacity of the program, individual families may experience substantial delays and waiting periods before formal supervision can begin. And so, as families progress through the Napa Access Grant program, the question is raised regarding when such services will no longer be required for an individual participant.

Traditionally, the court has relied on the parties to request a modification of the current supervised visitation or supervised exchange court order. Once the matter is before the

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<sup>59</sup> Information regarding the exit protocol report was provided by the Access to Visitation Grant program manager for the Superior Court of Napa County. Some revisions were added by the AOC Access to Visitation Grant program manager.

court, the judge makes a determination regarding whether to continue supervised visitation or exchange services, modify the court order, or terminate services altogether. In practice, however, this review mechanism is not always used by those who may no longer require the presence of a trained supervised visitation provider. As such, limited resources may be directed toward participants who no longer need such supervision, and may create a waiting list of families who need Access to Visitation services. To address this issue, the court has developed an exit protocol report for use by participants and program staff.

The exit protocol requires a participant to complete a minimum of 10 supervised visits or exchanges. On completion of this minimum threshold, either parent may request a referral to court-connected child custody mediation to develop a revised visitation and/or exchange schedule. Additionally, upon completion of the minimum visits or exchanges, the Access to Visitation program coordinator may refer the matter to mediation for the parents to determine a revised visitation schedule.

Furthermore, if the parents have successfully participated in all 10 visits or exchanges, the program coordinator may refer and/or inform the parent of the option for mediation services. In the event that the program coordinator has suspended or terminated service provision because program guidelines were violated by one or both parents, and the coordinator has made reasonable efforts to restart services and those efforts have proven to be unsuccessful, the coordinator may refer the matter directly to mediation.

The court and subcontractor program has found this approach to addressing challenges to service delivery, given the limitations of funding, to be beneficial not only for the court and agency but most importantly for families who may meet the minimum threshold of a “successful” visit or exchange. The program is continuing to evaluate the criteria of what constitutes success. Additional information regarding the exit protocol process and a copy of the exit protocol report is provided as appendix G to this report.

### **Superior Court of California, County of Orange<sup>60</sup>**

The Superior Court of Orange County has been an Access to Visitation Grant recipient since 2001. The Keeping Kids Safe Program (KKS) of the Superior Court of Orange County is a core court/community collaborative consisting of two nonprofit agencies (i.e., Family Assessment Counseling Education Services (FACES) and La Familia), with a total of six site locations throughout Orange County. KKS is aimed at providing professional, safe, supervised visitation and exchange services so noncustodial parents can have an active role in the lives of their children in an environment that is safe for all parties, both physically and emotionally. Keeping Kids Safe agencies were carefully selected using the criteria of geographic accessibility, language diversity, and their commitment to families and children.

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<sup>60</sup> This information was provided by the Access to Visitation Grant Program project directors for the Superior Court of Orange County.

### *Case Management Tool*

A continuous challenge for the court and subcontractor agency programs is related to visitation scheduling and the avoidance of a waiting list for program service delivery. The court wanted to ensure that once a court order for supervised visitation or exchange services was ordered, families would not be placed on a waiting list. To address this concern, the court developed a case management tool specifically to assist judicial officers when ordering supervised visitation for the Access to Visitation Grant Keeping Kids Safe (KKS) Program. The Excel spreadsheet allows the judicial officer and their staff to determine electronically each of the subcontractor partner agencies' availability. The schedule clarifies which Access to Visitation agencies can accommodate supervised visitation or safe exchange services and when services can begin for each reported family. The judicial officer can refer to this schedule before making any order for supervised visitation or exchange. Updates to the schedule are made regularly by the KKS analyst assigned to the grant program. The court, subcontractors, and judicial officers have found this approach extremely beneficial and supportive for families making services are readily available and helping to eliminate parental disputes regarding visitation scheduling and availability.

### *Keeping Kids Safe Volunteer Program*

The KKS volunteer program was created to meet the needs of the court, subcontractor agencies, and families referred for supervised visitation to help ensure that families accessed services sooner and to help reduce the costs of supervised visitation for parents. Through this program, volunteers are now available at the court to conduct the initial supervised visitation intake interview with parents and further explain to parents what to expect from supervised visitation services. In accordance with Standard 5.20(e), providers of supervised visitation providers must conduct a comprehensive intake and screening and interview the parties separately before the commencement of visitation services. By having the parent intake completed at the court, parents are able to save the costs of intake fees that are often required by the agency (e.g., for fiscal year 2007, the cost savings for each parent was \$6,240). An additional byproduct of this process is that parents typically are able to receive their scheduled appointment for visitation much sooner.

The KKS volunteer coordinator position is a part-time position, classified as a staff specialist, hired by the superior court in June 2006. Since June 2006, the volunteer coordinator has trained 56 volunteers in the role of a professional provider of supervised visitation. The court maintains a consistent pool of 20–25 active volunteers and interns.

The KKS volunteer coordinator is responsible for effectively placing the trained volunteers at the Domestic Violence Family Courtroom or at one of the nonprofit Access Grant visitation centers: FACES or La Familia. The general role and responsibility for the volunteers/interns include the following positions: intake coordinator, case management

assistant, supervised visitation monitor and safe exchange monitor. Many volunteers work in these roles interchangeably.

The volunteer coordinator is also responsible for ensuring that all volunteers have been through a background clearance check. The volunteer coordinator subsequently trains eligible applicants who have successfully passed the background check to Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). The training is a 40-hour course and a certification of attendance is presented to each volunteer upon completion. The volunteer program also has allowed the court to coordinate and standardize the recruiting, hiring, and training of all volunteers, which helps support practice consistency and standardization.

Moreover, the role of the volunteer coordinator is to strengthen community outreach in reaching potential volunteer/intern candidates by aggressively pursuing contacts with the faith-based communities, retiree programs, college students, and other members of the community. Some of the recruiting methods include:

- Hosting exhibit tables at California State University at Fullerton;
- Distributing brochures at local libraries and the court's self-help center;
- Networking with the Human Services Department at Santa Ana College, Cypress College, and CSU at Fullerton;
- Distributing brochures to the Hispanic Business Women's Association, the Latino Business Students Association (University of California Irvine, Chapman University, CSU at Fullerton, and Cypress College), Orange County Hispanic Bar Association, and the Hispanic National Master of Business Administration Association of Orange County;
- Referrals from Volunteer Center RSVP Program for retirees; and
- Referrals from Volunteermatch.com.

### **Superior Court of California, County of Shasta**

As part of California's Access to Visitation Grant Program, the Superior Court of Shasta County has been a grant recipient since 1997. The Unified Parental Access Program (UPAP) is a collaborative effort encompassing family courts from three counties (Shasta, Tehama, and Trinity), with four participating area agencies (Youth and Family Programs, Kids' Turn Shasta-Cascade, Kids' Connection Trinity County Court, and Parent Education Network). It is designed to meet the needs of nonresidential parents and to create greater opportunity for noncustodial parents to spend time with their children. It also provides children's counseling and education for both parents to deal more responsibly with each other, increasing noncustodial parents' access to and strengthening the bond with their children. The program involves support, intervention, education, and therapeutic services to rectify past problems as well as prevent future conflict. The focus of UPAP is to facilitate noncustodial parental access, improve visitation, and through education and counseling, help both parents build a healthy and lasting relationship with their children.

Through the years, this rural community court and collaboration has used strategic community volunteerism to help build support relationships in their community, which in turn, has resulted in community and individual funding donations to the Access to Visitation Grant Program. The collaborative considers their ability to stretch and maximize grant fund dollars as a model promising practice. As stated by the Access to Visitation Grant project director, “Given all the unique and distinctive challenges of a rural community, we are exceptionally proud that we have been able to achieve real court-and-community support and involvement, with commitment and buy-in at all stakeholder levels. One resounding example of this is that the community and the parents view grant funding as a gift not to be wasted. The community and the parents (done separately) see their role as shared responsibility and shared values. This has made our court and programs a success story for how to leverage core community and private resources for strengthening and making families whole. The key we have found is for each collaborative and each agency to make efficiency, economy, and maximizing service their goal. We can be a model to help other courts understand how inexpensive good supervised visitation can also be.”

Another example of the program’s ability to leverage funding while upholding community support relates to the operation of the court’s Kids’ Turn parent education program (Kids’ Turn-Shasta Cascade). Kids’ Turn is a nonprofit organization helping families through separation or divorce. Its nationally acclaimed parent education curriculum is designed to help parents and children (focus is on the child) “understand and cope with the loss, anger, and fear that often accompany separation or divorce.”<sup>61</sup>

Each year the Access to Visitation Grant Program struggles to meet the demand for parent education services. Given the limitations of funding, the court can only offer one-to-two parent education sessions annually. The number of workshop sessions also depends on whether unspent grant funds will be available and opportunities for reallocation within the collaborative. However, thanks to community donations, the Kids’ Turn program has been able to complete and sometimes exceed service goals for the funding year. As stated by the project director,<sup>62</sup> “It is wonderful to have this funding in place. The community donations have allowed us to reinstate T-shirt presents for the children at graduation, finally get a Kids’ Turn computer, and rebuild our lending library for parents who wish to further their divorce education. We can also complete at least one Cooperating as Separated Parents workshop and one Blending Families’ session with these annual donations. Without this support, we had to cancel those important education workshops due to our limited funding the past few years. It is a relief to (at least for the next two years) not be so focused on securing funding.”

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<sup>61</sup> <http://kidsturn.org/page/page.php?/pageid=5>

<sup>62</sup> This information was obtained via e-mail and a telephone conversation with the project director.

The court and community promising practice of building effective partnership relationships and community volunteerism have helped secure other community donations. This was particularly true when the parent education program received media attention. “A media representative from the local channel 7 reported a short news spot on the Kids’ Turn sessions (a family volunteered to be interviewed (and they were fantastic!). A board member also discussed the growth of the agency over the years and the need for divorce education). PBS also released a documentary on divorce education as a whole around the country and dedicated a substantial part of that story to Kids’ Turn’s successes.”<sup>63</sup> The rural community model is a good example of how communities can be involved in systemwide and agencywide processes and mutual comprehensive planning.

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<sup>63</sup> *Ibid.*

## Access to Visitation Grant Program Services

Funding for California’s Access to Visitation Grant Program is restricted to supervised visitation and exchange services, parent education, and group counseling services for parents and children. All of the programs, past and present, have put supervised visitation services as the highest funding priority service area. The California report to the Legislature for fiscal years 2003–2004 and 2004–2005 provides detailed background information on supervised visitation services and provisions of program service delivery including policies and procedures, referral process, program fees, policies on safety and security, and confidentiality. This section of the report highlights only program service delivery gaps and program challenges.

### **Program Service Delivery Gaps and Challenges**

California Family Code section 3031(c) provides that:

[w]hen making an order for custody or visitation in a case in which domestic violence is alleged and an emergency protective order, protective order, or other restraining order has been issued, the court shall consider whether the best interest of the child based upon the circumstances of the case, requires that any custody or visitation arrangements shall be *limited to situations in which a third person*, specified by the court, is present, or whether custody or visitation shall be suspended or denied. (Emphasis added.)

This type of third-person visitation arrangement is often referred to as “supervised visitation” (SV). The primary goal of SV is to assure the safety and welfare of the child, adults, and providers of SV. 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.<sup>64</sup>

The essential role of the supervised visitation provider under the uniform standards of practice for providers of supervised visitation is to observe and monitor the parent-child visit in a neutral manner and to suspend or terminate visitation if the provider determines that the safety or welfare of the child’s jeopardy.<sup>65</sup> Under this one-on-one visitation model, the supervised visitation provider does not build parenting or relationship skills with the parent involved. Rather, the provider is present only to enforce the terms and conditions of the visitation and assure the safety and welfare of the child and adults during the visitation.<sup>66</sup> In fact, the only possible intervention or goal setting done is a corrective intervention aimed at prohibiting negative or harmful parenting behavior. Through the years, the grantees have reported that this service delivery approach have allowed many parents to receive services for years without being able to develop a meaningful parent-child relationship as a result of the restricted nature of the service.

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<sup>64</sup> Standard 5.20(a) of the California Standards of Judicial Administration.

<sup>65</sup> Standard 5.20(e)(5) of the California Standards of Judicial Administration.

<sup>66</sup> Standard 5.20(e) and (j) of the California Standards of Judicial Administration.

The following quotations from the collaborative partners illustrate the importance of using and moving toward a more skills-based intervention approach in visitation:

“Currently, our program is providing traditional SV to two fathers who are in need of more hands-on guidance during the visit than I can provide. One father is being introduced to his nine-month daughter. Father and daughter have never met. The father had no understanding of the needs of the baby nor did he know how to hold the child, soothe her, or feed her properly. The first visits were stressful and caused trauma for both father and child, and thus, the provider had to stop the visit before the visitation time was up. This left the father feeling helpless and frustrated that he was denied time with his daughter, but also feels guilty ‘putting her through this.’ If I was able to offer simple suggestions and instructions, the father and his daughter might have been able to find a way to connect and bond with each other. In addition, the early stress could have been avoided if the service provision was for supportive visitation and I would have been able to teach the father how to care for his daughter.”<sup>67</sup>

The next quotation is based on a modified SV referral order:

“We had one father who stood over his four year old trying to talk with him during the visit and the little boy just shrank away. The father did not know or understand how to talk and connect with the child. When I sat down in a little chair and suggested that dad sit down in a little chair so he could make eye contact and we spent time talking together with the little boy. So he started doing that and now he tells me that he is ‘doing better’ with the eye thing.”<sup>68</sup>

While research on the effects of participating in SV is in its infancy, abundant research has revealed that *intervention* can reduce or eliminate negative outcomes for children while increasing involvement by noncustodial parents. A national report compiled by the U.S. Department of Health and Human Services (DHHS), Administration for Children and Families (ACF), and Office of Child Support Enforcement (OCSE) on Child Access and Visitation Grant Programs: Promising Practices supports similar recommendations regarding the efficacy of development of a more supportive service model to be used during supervised visitation:

A few jurisdictions are experimenting with techniques aimed at modeling appropriate parenting and coparenting behaviors by providing assistance on an as-needed basis in unsupervised settings over a sustained period of time, or taking a more activist role to visitation in supervised settings by participating in the visits and giving parents feedback on their parenting behaviors.<sup>69</sup>

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<sup>67</sup> This information was provided by Access to Visitation subcontract agency.

<sup>68</sup> *Ibid.*

<sup>69</sup> Pearson, S. Jessica, and David Price, *Child Access and Visitation Programs: Promising Practices*, prepared for the U.S. Office of Child Support Enforcement (2003), p. 34.



Many of the grantee courts and their community visitation agencies have requested to implement or have the AOC Courts Access to Visitation Grant Program pilot the model of supervised visitation referred to as “facilitated or supportive visitation (FSV)” to fill the important gap in services provided to California noncustodial parents. FSV, under the Access to Visitation Grant model would include a more skills-based approach using psychoeducational components during visitation to promote responsible parenting. This specialized model of visitation allows for coaching, modeling, and reinforcing of effective parenting techniques and skills through parenting support and positive parenting education reinforcement. It is perceived that this model approach would have a tremendous impact on noncustodial parents seeking to build and maintain healthy relationships with their children.

Since supervised visitation and parent education providers often operate at the crossroads of legal and social support services, visitation providers are in a position to test a more skills-based intervention approach *during supervised visitation* that can help teach parents how to interact better with their children. This holistic and educational approach of more hands-on guidance and instruction to serving noncustodial parents can provide significant benefits for the building and sustaining the parent-child relationship, a major goal of the grant program.

While parent education services are available under the grant, they do not directly intersect with supervised visitation, wherein a parent has the opportunity to immediately use skills learned, have questions answered, or benefit from direct feedback and suggestions. This is imperative for helping noncustodial parents promote self-esteem, trust, and lasting knowledge to meet their children’s developmental and unique needs. Currently, the three program services operate independently as separate, distinct services. A model of visitation that promotes responsible parenting can serve as an integral part of a comprehensive court-and-community service system to assist parents and children. Providing noncustodial parents with important knowledge and the necessary skills to understand and accept their full responsibility of parenting is in the best interest of their children, promotes children’s well-being.

Providing supervised visitation and parent education services is one step in supporting access; helping parents strengthen their ability to participate actively and responsibly in their children’s lives must be the next step, where appropriate. The role that both parents play in the lives of their children is indispensable to the children’s health and growth.<sup>70</sup> The FSV skills-based intervention approach will not only create positive, nurturing parent-child relationships by helping noncustodial parents to succeed in visitation, but

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<sup>70</sup> Judicial Council of California, Administrative Office of the Courts, *California’s Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004* (Mar. 2004), p. 4.

may help noncustodial parents stay more involved in the lives of their children. This continues to be an unmet and underfunded need in California courts and communities.

It is the goal of the Access to Visitation Grant Program for fiscal years 2007–2009 to seek additional funding to study the FSV model to assess the viability of this approach to serving Access to Visitation families.

### **Adequate Funding Resources**

The average number of divorces filed annually in California is 160,000, affecting an estimated 100,000 children. The average annual number of child custody mediation cases for separated, divorced, and never-married parents is 100,000. A survey of all family law judicial officers practicing in California was conducted in November 2005 by CFCC. The goal of the survey was to identify promising practices in the area of family law, to develop training and education programs, to address legislatively mandated questions, and to identify needs for additional court services and resources. Responding to the survey were 199 of the 255 judicial officers, or about 78 percent. According to the statewide survey, more than half of the judicial officers (i.e., 95 out of 179) indicated that there is an insufficient number of professional supervised visitation services for cases that need them.<sup>71</sup> *In addition, 89 percent of the judicial officers (i.e., 163 out of 182) reported that cost is one of the greatest challenges that parents face accessing professional supervised visitation services.*<sup>72</sup>

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 and increasing demands for services continue to impede the courts' and subcontractors' ability to expand or maintain current service delivery levels for parents and children. The demand for visitation services outpaces the resources available to offer the services. Funding limitations not only restrict the amount of services but the scope of available services. For example, parents with more entrenched disputes and less developed problem-solving skills need a more extensive array of services than practitioner providers are currently able to offer (i.e., supportive visitation).

Without increased funding support, courts and communities will continue to be limited in the number of families served, hours of service delivery will remain stagnant, expansion to easily accessible sites and facilities will be impossible, waiting lists will continue to be unavoidable, providers will not have the multilingual capacity to serve the diverse populations, and poor low-income families and families in rural counties will continue to be underserved. This is programmatic given that only 7 of the 22 rural counties are able

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<sup>71</sup> Judicial Council, Administrative Office of the Courts, Center for Families, Children & the Courts, 2005 Family Law Judicial Officer Survey (Nov. 2005), p 15.

<sup>72</sup> *Ibid.*

to offer even limited professional, supervised visitation services. And while most grant clients have low or extremely low incomes, access to services, even on the required sliding scale, grows increasingly difficult given the economic realities of parents living in California.



## Access to Visitation Grant Program Data Collection Findings and Discussion

The data reported in this section of the report represent four years of data collection (i.e., fiscal year 2003 through fiscal year 2006–2007) on the part of the court subcontractors (i.e., local service providers). Small discrepancies from previous reports in the data can be attributed to in-house data cleaning conducted by the CFCC research team. It is important to note that a few logic rules were applied by the research staff when working with the subcontractor data:

- Only children named in the court order or involved in the case, or who received services (group counseling) have been included;
- Discrepancies may exist between what is reported by noncustodial and custodial parents, in those instances both data were reported;
- Supervised visitation hours do not include administrative time (such as orientation or intake service delivery); the data is strictly the contact time spent between the noncustodial parent and child or children; and
- Supervised exchanges reflect the actual time required to make the exchange, which includes parents who arrive late.

According to California’s Access to Visitation Data Collection and Reporting System, the courts and their subcontractors reported that supervised visitation and exchange services, and parent education and group counseling services funded by the grant were delivered to more than 9,000 children, 6,000 custodial parents, and 5,700 noncustodial parents over the past four fiscal years (between fiscal year 2003–2004 and fiscal year 2006–2007).

### **Federal and State Grant Reporting Requirements**

Under section 469B(e)(3) of the Social Security Act, as added by section 391 of PRWORA, states are required to monitor, evaluate, and report on programs funded through Child Access and Visitation Grants.<sup>73</sup> The purpose of this data requirement is to provide information to Congress on the progress of Access and Visitation Grant Programs, the goal of which is to “. . . support and facilitate a noncustodial parents’ access to and visitation with their children.”<sup>74</sup>

Each state is required to collect and submit an annual report on 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

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<sup>73</sup> Child Support Enforcement Program Grants to States for Access and Visitation, [www.vawnet.org/DomesticViolence/PublicPolicy/Child/Access and visitation](http://www.vawnet.org/DomesticViolence/PublicPolicy/Child/Access%20and%20visitation)

<sup>74</sup> State Child Access Program Survey: Instructions for Completing Data Requirement, [www.acf.hhs.gov/programs/cse/forms/omb-0970-0204.pdf](http://www.acf.hhs.gov/programs/cse/forms/omb-0970-0204.pdf)

- *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>75</sup>

Additionally, programs are required to collect data on one mandatory federal outcome measure—increased noncustodial parent’s 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>76</sup>

### **California’s Access to Visitation Data Collection and Reporting System**

The Access to Visitation Grant Program changed its data collection efforts in fiscal year 2003–2004. As a result of the wide variety of Child Access and Visitation Program service activities, individual states’ flexibility in defining service delivery components, and the subsequent increased ambiguity regarding data standardization, the CFCC project management team, consisting of Access to Visitation Program and research staff, developed an automated data collection and reporting system, effective fiscal year 2003–2004 to track and collect specific data unique to the program services administered under California’s Access and Visitation Grant Program. The previous data collection methods made comparisons between local county programs virtually impossible.

Under the new system, the state data collection system now allows program comparisons across local jurisdictions and the viewing of access to visitation services across the state in a uniform, standardized manner. The data collection and reporting system does not require local programs to interpret any of the data elements because each data element is predefined. Most importantly, the new data system consolidates federal and state grant reporting requirements.

The purpose of the data collection system is to ensure that:

- Federal and state reporting requirements are met;
- Uniform, consistent data are collected and reported;
- Information is readily available that can be used to educate, inform, and report to Congress, the courts, the Legislature, and community-based professionals on the overall effectiveness of California’s Access to Visitation Grant Program;
- Local projects have access to data for program monitoring and quality improvement; and
- Data collection and reporting are streamlined and efficient.

The system consists of the following elements:

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<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

- A parent feedback survey to measure program outcomes, such as whether participation in the program has led to increased payment of child support by the participating parent;
- Reports on the type of service (for example, supervised visitation, supervised exchange services, parent education, or group counseling) and the number of service delivery hours, sorted by individual, family, visitation site, and county; and
- Frequency reports on data captured by other program survey questions, such as safety or reasons for referral or terminating services.

### **Client Information**

All of the grant programs are required to collect information from the family prior to the delivery of the grant services. The data collection process begins with the initial entry form. This part of the data collection process enrolls the family in the Access to Visitation Grant Program database. During the intake process, individuals are asked to complete an initial entry form and specify what their relationship is to the child (e.g., mother, father, grandparent, or legal guardian).

For California, the client information is a unique count of the number of custodial and noncustodial parents who received services (direct or otherwise) funded by the grant program. There is no duplication in this number, which means that even if a parent receives multiple services at various times throughout the grant year, he or she is counted only once under client information. When possible, programs gather this information for both parents. However, for some services (e.g., parent education), only one parent is required to participate, or the program has had an interaction with only one parent (perhaps the other parent never showed up for intake or service delivery). In these cases, the programs would be unable to capture or collect the client information or any of the other demographic variables for that parent.

For the purpose of California Access to Visitation Grant Program Data Collection and Reporting System and the data collection requirement, the family is the unit of analysis.

The required federal data elements that all Access to Visitation Grant Programs are required to report on are referral sources, client information, marital status, race/ethnicity, income, service provided, and increased parenting time.

### **Family Composition**

The family composition has remained stable over the past four years. Most access to visitation clients consist of parents, with some services provided to legal guardians and grandparents. Throughout the past years, the grant has provided services to both custodial and noncustodial parents almost equally (see table 3). Both mothers and fathers are service recipients almost equally (see table 3). When comparing the number of noncustodial clients to custodial clients, services are provided primarily for noncustodial

fathers (71 percent of all father clients) and for custodial mothers (72 percent of all mother clients). Grandparents and legal guardians represent less than 3 percent of all parents receiving services. Table 4 shows noncustodial fathers and mothers and custodial mothers and fathers served over the four-year data reporting period.

**Table 3. Custodial and Noncustodial Parents.**

	<b>FY 2003–2004</b>	<b>FY 2004–2005</b>	<b>FY 2005–2006</b>	<b>FY 2006–2007</b>
<b>Noncustodial Parents (NCP)</b> <i>(including grandparents and legal guardians)</i>	1,389 (48.8%)	1,456 (48.0%)	1,508 (48.0%)	1,364 (48.0%)
<b>Custodial Parents (CP)</b> <i>(including grandparents and legal guardians)</i>	1,459 (51.2%)	1,580 (52.0%)	1,639 (52.0%)	1,473 (52.0%)

**Table 4. Fathers and Mothers by Fiscal Years.**

	<b>FY 2003–2004</b>	<b>FY 2004–2005</b>	<b>FY 2005–2006</b>	<b>FY 2006–2007</b>
<b>Total NCP and CP Fathers</b> <i>(% of all parents)</i>	1,366 (49.1%)	1,460 (49.3%)	1,500 (49%)	1,361 (49.2%)
<b>% of NCP Fathers</b>	992 (72.7%)	1,005 (68.8%)	1,056 (70.4%)	973 (71.5%)
<b>% of CP Fathers</b>	374 (27%)	455 (31.1%)	444 (29.6%)	388 (28.5%)
<b>Total CP and NCP Mothers</b> <i>(% of all parents)</i>	1,416 (50.9%)	1,502 (50.7%)	1,561 (51.0%)	1,406 (50.8%)
<b>% of NCP Mothers</b>	390 (27.5%)	442 (29.4%)	441 (28.3%)	379 (27.0%)
<b>% of CP Mothers</b>	1,026 (72.5%)	1,060 (70.6%)	1,120 (71.7%)	1,027 (73.0%)

As highlighted, most families receiving Access to Visitation Grant services have one or two children in the family (see table 5). Families with no children receiving services are typically parents in parent education or group counseling (sessions that do not include the children). Service providers have not reported families with more than six children as of this date.



**Table 5. Total Number of Children Receiving Services per Family.**

No. of children	FY 2003-2004	FY 2004-2005	FY 2005-2006	FY 2006-2007
0 <sup>77</sup>	14	250	13	5
1	874	855	1,042	908
2	402	410	494	430
3	125	123	137	109
4	30	21	21	24
5	7	4	10	6
6	3	1	1	1
<b>Total No. of Children</b>	<b>2,226</b>	<b>2,154</b>	<b>2,581</b>	<b>2,227</b>

**Cohabiting Relationship**

Data collected over the past four years reveal that more than 75 percent of parents reported that they have lived together in the past. Table 6 shows the distribution of cohabiting relationships between the parents each year. Nearly all of these families have experienced changes in their living arrangements. The data discrepancies between what custodial parents report and what noncustodial parents report are small and may be attributable to the denial of one party about the status of the relationship.

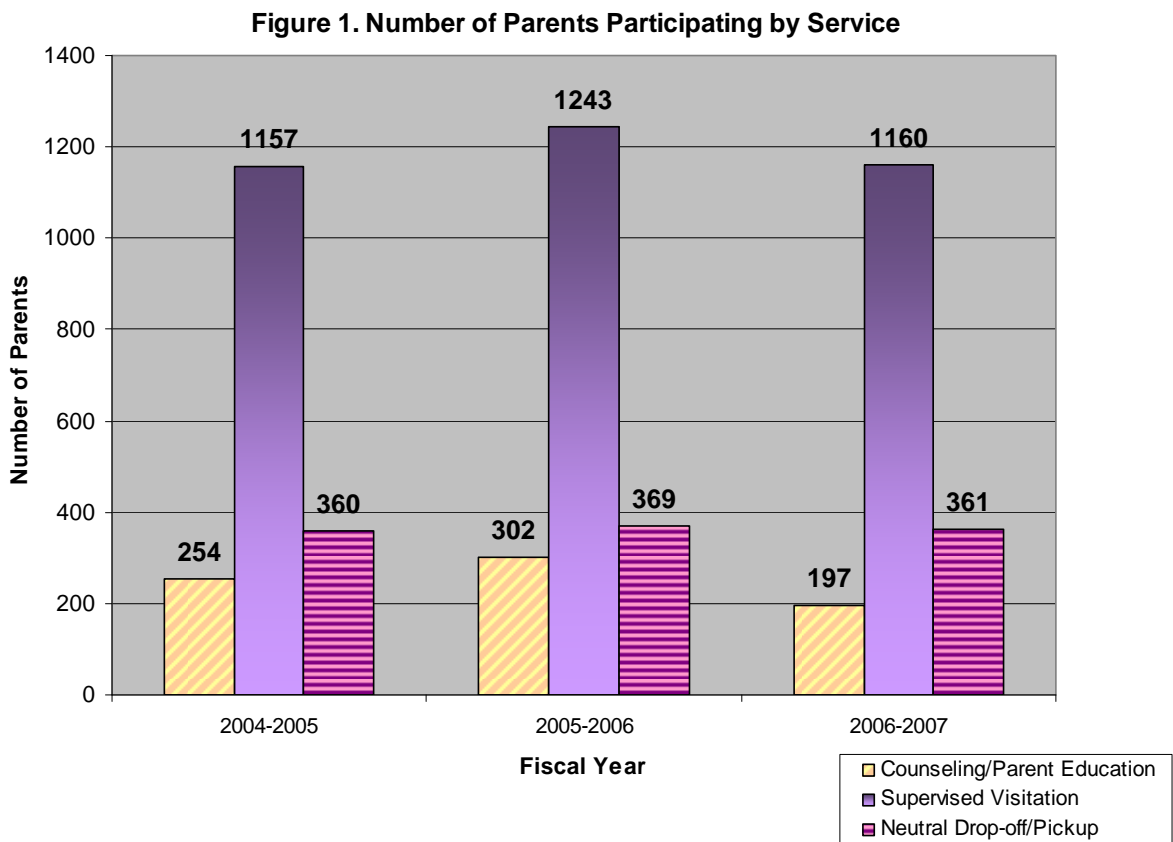
**Table 6. Cohabiting Relationship With Child's Other Parent.**

	FY 2003-2004		FY 2004-2005		FY 2005-2006		FY 2006-2007	
	NCP	CP	NCP	CP	NCP	CP	NCP	CP
<b>Never Lived Together</b>	6%	6%	8%	8%	8%	9%	8%	7%
<b>Lived Together in the Past</b>	77%	71%	84%	80%	87%	84%	89%	85%
<b>Live Together at This Time</b>	1%	5%	0%	0%	0%	0%	0%	0%
<b>Don't Know</b>	14%	16%	2%	3%	2%	3%	2%	1%
<b>Missing Data</b>	2%	2%	6%	8%	2%	4%	2%	6%

<sup>77</sup> Please note that showing no children in this column means that the children are not direct service recipients but the parents are. This is typical of families that are ordered to group counseling or parent education, where children do not attend sessions.

### Grant Services Provided: Supervised Visitation, Exchange, Group Counseling and Parent Education

Although supervised visitation, supervised exchange (neutral drop-off and pickup), group counseling and parent education services are the allowable funding programs in California, supervised visitation was the predominant service accessed by families. As indicated in figure 1, while most of the grant programs offered both supervised visitation and supervised exchange services, very few programs offer group counseling and parent education. The variance in services from one year to the next can be explained by the changes in service providers in different years. During fiscal years 2004–2005 and 2005–2006, few access to visitation subcontractors offered workshop-style sessions like group counseling and parent education. As reported by the grantees, many courts and subcontractors are unable to offer certain program services because of funding limitations, resources, constraints on facility space (i.e., for multiple/group visitation), or adequate staffing.



## Referral Information

**Referral source.** Historically, supervised visitation was provided in child welfare cases.<sup>78</sup> However, in the past decade courts have increased their reliance on supervised visitation services in family law cases, particularly those involving domestic violence (Straus, 1995; Saunders, 1998; NCJFCJ, 1995).<sup>79</sup> This is true in many counties across California, where the courts are making supervised visitation orders for families who frequently have critical domestic issues.

Courts have remained the major source of referral to the Access to Visitation program consistently over the past four years; on average 90 percent of the cases are referred from the court. This finding appears to be consistent with other statistical data from programs across the country, which shows that the legal system is the central source of referral.<sup>80</sup> As such, the courts play a significant role in making parents aware of supervised visitation and exchange services. The data collection finding here strongly suggests that perhaps the most effective way to promote awareness and the use of supervised visitation or exchange may be through the court system or family court services, which provides court-connected child custody services for families going through family and juvenile courts.

**Reason for referral.** When families are referred from the court, subcontractors are asked whether the court order specifies the reason for referral. When reasons are noted on the court order, information is coded about the reasons for the referral, and whether they were documented against the noncustodial or custodial parent is also coded. We do not include allegations from the parents because they have not been substantiated. The data reported in table 7 are derived solely from the court order.<sup>81</sup> The percentages do not total 100 percent because families often come in for multiple reasons. Also, the percentages are based on the total number of families for which the court provided a reason for referral, not on all families coming to access to visitation programs.

The reasons for referrals vary between custodial and noncustodial parents. For noncustodial parents, the most common reason for cases to be referred from the court was

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<sup>78</sup> Maxwell, M. S. and K. Oehme, commissioned by Violence Against Women Online Resources, *Strategies to Improve Supervised Visitation Services in Domestic Violence Cases* (Oct. 2001), p. 1.

<sup>79</sup> Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004* (March 2004), p.17.

<sup>80</sup> *Evaluation of the Supervised Access Pilot Project, Final Report*, presented to the Ministry of the Attorney General, Toronto, Ontario Canada, (July 1994), p. 82.

<sup>81</sup> For the purpose of the California data collection system, “court order” means the referral source could have come from a judicial officer, family court services (e.g., mediator or evaluator), or a Judicial Council form (see *Supervised Visitation Order* (form FL-341(A)) and *Supervised Visitation Order (Domestic Violence Prevention)* form DV-150).

for allegations or history of domestic violence (DV) followed by cases with substance abuse allegations or histories. This finding has been consistent over the past four years. The third most common reason for referrals for noncustodial parents is that when the domestic violence happened, the child resided in the household. The most common reason that custodial parents are referred from court to access to visitation services is for domestic violence allegations or history, followed by either the fact that the child resided in the household at the time of the alleged domestic violence or issues related to substance abuse. Lastly, custodial parents are referred to access to visitation services because of parenting concerns.

**Table 7. Most Common Reason for Referrals**

<b>Most Common Reason for Referrals</b>	<b>FY 2003-2004</b>	<b>FY 2004-2005</b>	<b>FY 2005-2006</b>	<b>FY 2006-2007</b>
<b>Noncustodial Parents</b>				
DV allegations or history	49%	42%	44%	45%
Substance abuse allegations or history	28%	30%	32%	34%
Child resided in household where DV was perpetrated	24%	23%	25%	26%
<b>Custodial Parents</b>				
DV allegations or history	13%	8%	9%	7%
Substance abuse allegations or history	5%	4%	5%	4%
Child resided in household where DV was perpetrated	5%	4%	5%	5%
Parenting concerns	6%	5%	4%	3%

The 2003 *client baseline study*<sup>82</sup> which collected detailed information from both parents and mediators involved in court-based child custody mediation, report that in addition to child custody disputes, parents often report serious family issues. Domestic violence was reported by more than half of all families (53 percent) in court-based child custody mediation. Thirty-eight percent of families said their child witnessed violence between the parents, and about 4 out of every 10 families reported having or having had a restraining order. Most families (86 percent) were in mediation to discuss an issue about the other parent, specifically, parent’s safety with other parent (25 percent); child neglect (22 percent); domestic violence (21 percent); drug abuse (18 percent); and alcohol abuse (19 percent).<sup>83</sup> Furthermore, of the 79 percent of families in mediation to discuss an issue about their children, nearly half (49 percent) reported child safety as an issue.

<sup>82</sup> Statewide Uniform Reporting System. *2003 Client Baseline Study: Summary Findings*, Administrative Office of the Courts, Center for Families, Children & the Courts (April 2004).

<sup>83</sup> Statewide Uniform Reporting System. *2003 Client Baseline Study: Summary Findings*, Administrative Office of the Courts, Center for Families, Children & the Courts (April 2004).

Given the court-related statistics above, it is no surprise that about one-third of families (35 percent) report they need supervised visitation services. *The results of the 2003 Client Baseline Study illustrate that many families served by the court have serious family issues, and in many cases are dealing with multiple issues, and parents and children may be in need of safe visitation options, which appears consistent with other AOC reports and survey information generated from the courts.*

On average, 10 percent of court referrals do not include a reason for referral. When court orders specify the reasons for referral, families are more effectively served because protections are in place to ensure the health, safety, and welfare of all participants during the visitation or exchange service. Under standard 5.20 of the California Standards of Judicial Administration, programs are required to screen for and assess the degrees of risk in all cases referred to supervised visitation or exchange services. All court referrals for supervised visitation should include the reason for referral plus other essential information related to the provision and scope of service delivery.

The importance of receiving court referral information is furthered illustrated and highlighted under the *Florida Judges Manual—Referrals to Supervised Visitation Programs*, which states, “Judicial officers should include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.”<sup>84</sup> In order for programs to adequately prepare for each case, program referrals should include enough information to alert staff to issues affecting the emotional and physical safety of the children involved.<sup>85</sup> Courts should continue to aim to provide service providers with the appropriate information to ensure safe and effective service delivery.

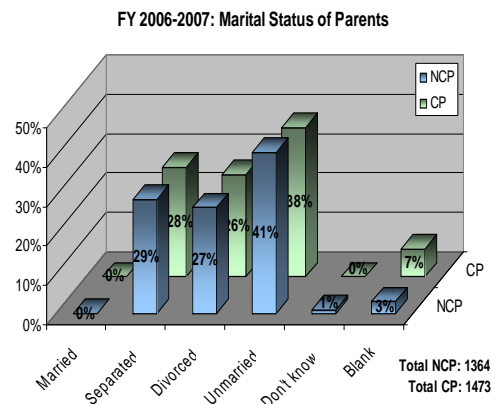
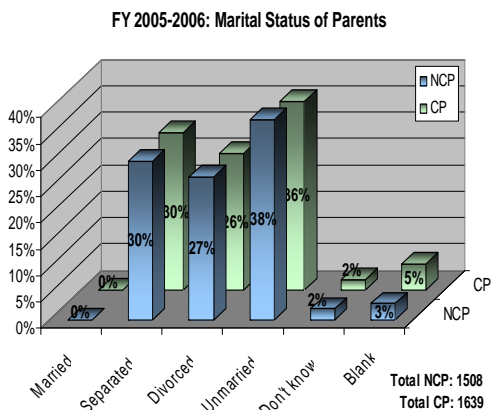
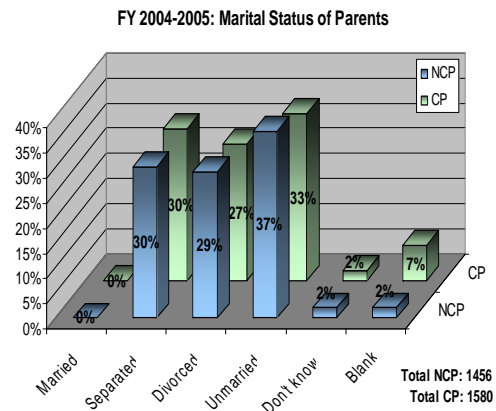
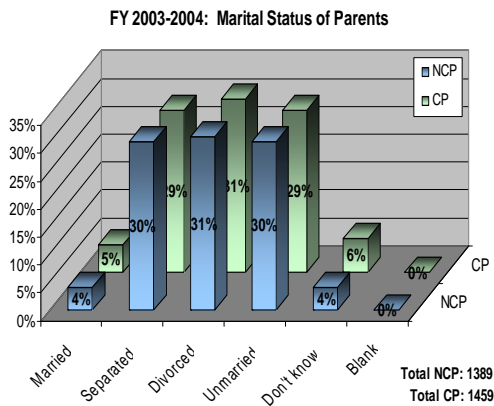
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<sup>84</sup> Page 162. Florida Judge’s Manual

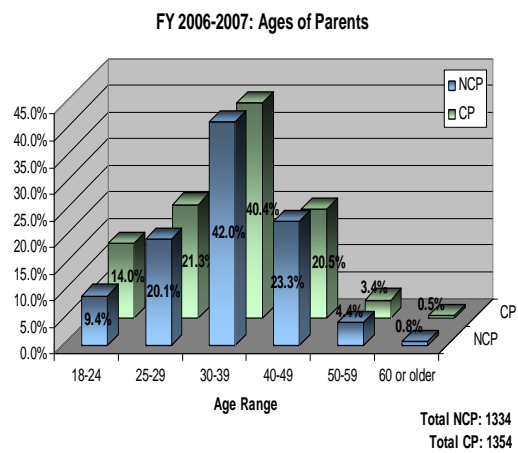
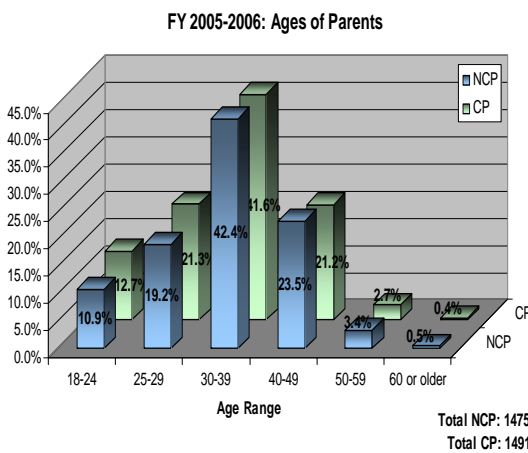
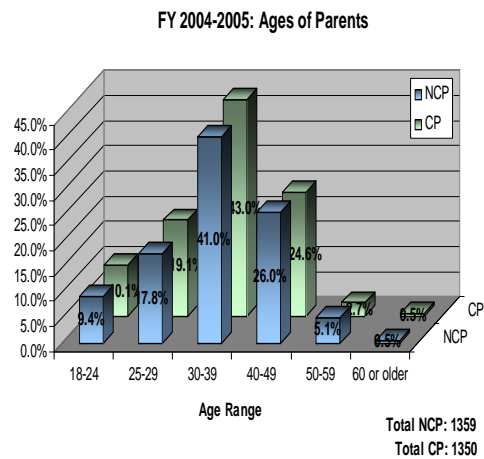
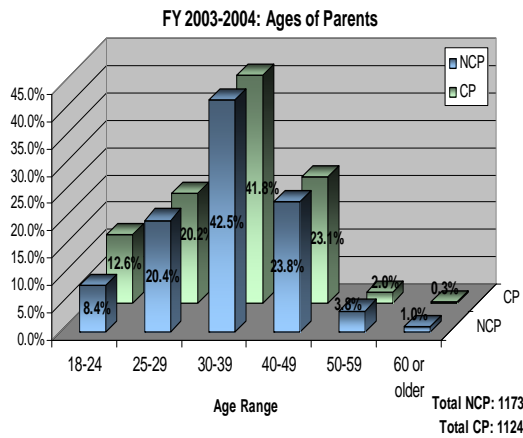
<sup>85</sup> *Ibid.*

## Who Are Access to Visitation Clients?

**Marital status.** Each parent is asked for his or her marital status to the other parent (at the time they enter the program) separately. This explains the variance between the noncustodial and custodial parents, which are based on self-reports. In fiscal year 2003–2004, one-third of the parents that came in were divorced, one-third were separated, and the last third were never married. The following years experienced a slight shift. In fiscal years 2004 through 2007, between 35 and 39 percent of parents were never married, followed by 30 percent who were separated. Lastly, approximately 27 percent were divorced, which represents a slight shift from the initial year of data collection.



**Age.** As illustrated in the graphs below, clients' ages have been very stable over the past four years. More than forty percent of the clients were between the ages of 30–39 every year. The next largest category were clients' between the ages of 40–49, which has also remained consistent for the past four years; a little more than 20% of access to visitation clients are in that age category. Lastly, approximately 20 percent of clients were 25-29 consistently for the past four years.



**Income.** The data collected on annual income from all sources shows the greatest discrepancy between custodial and noncustodial parents. For the past four years both ends of the income scale (highest income being more than \$40,000 a year and lowest income being less than \$10,000 or no income), have placed custodial and noncustodial parents at opposite ends of the scale. Nearly 40 percent of noncustodial parents reported having either no income or an income of less than \$10,000 a year, while close to 25

percent of custodial parents reported the same income. On the higher end of the scale, less than 9 percent of noncustodial parents reported earning more than \$40,000 a year, while approximately 13.5 percent of custodial parents reported having an income of more than \$40,000. The data does not differ significantly from one year to the next, and neither do the differences between noncustodial and custodial parents.

**Table 8. Individual Annual Income Before Taxes (including all sources of income).**

<b>Annual Income</b>	<b>FY 2003-2004</b>	<b>FY 2004-2005</b>	<b>FY 2005-2006</b>	<b>FY 2006-2007</b>
Noncustodial parents with income of less than \$10,000 or no income	38%	39%	39%	38%
Custodial parents with income of less than \$10,000 or no income	24%	27%	29%	24%
Noncustodial parents with income of more than \$40,000	8%	7%	9%	8%
Custodial parents with income of more than \$40,000	12%	13%	14%	15%

Overall, these parents have very limited financial resources. Consistently over the past four years, about half of the access to visitation clients reported individual annual incomes of less than \$20,000 a year. Using the U.S. Census’s poverty threshold for a one-person, one-child household it is clear that these families hover over the poverty line or fall below it when you consider that many of these families have more than one child.<sup>86</sup>

<b>Poverty Threshold for a Two-Person Household With One Child (1 adult, 1 child)</b>	
FY 2003-2004	\$12,682
FY 2004-2005	\$13,020
FY 2005-2006	\$13,461
FY 2006-2007	\$13,896

The general policy of the grant program has been to make minimum levels of service delivery available to all families regardless of the ability to pay. However, in most jurisdictions, programs are struggling (predominately because of budgetary limitations) with the number of clients they can serve and the amount of visitation time they can offer clients. The continuous difficulty for programs is whether to discontinue services prematurely—which does an injustice to both the child and the parents—or schedule less visitation time per family in order to divide up services more equitably among all families.

When program demand for services expands and the need for financial assistance increases, programs are put in the delicate position of choosing whether to help more

<sup>86</sup> Source: U.S. Census Bureau, *Current Population Survey 2004, 2005, 2006 & 2007 Annual Social and Economic Supplement*.



clients financially without an increase in grant money or to inform families who need support that they will have to decrease or stop visitations or seek other less favorable options, if the court order permits.<sup>87</sup>

The lack of sufficient funding to subsidize low-income families could serve as a barrier for parents and children who need these essential services. The demographic profile of California's poor low-income families, including the additional factors of California's unemployment rate and issues of immigration (e.g., about 46 percent of *all* children in California are immigrants and nearly 60 percent of the *poor* children in California are immigrants<sup>88</sup>) raises major policy implications regarding access issues.

**Race and ethnicity.** Over the past decade the population of the state has grown and is more diverse.<sup>89</sup> The diversification of the United States and California is a trend that is expected to grow exponentially in the future.<sup>90</sup> Most of California's population growth in the past few decades has occurred among the Latino and Asian populations of the state.<sup>91</sup>

According to the 2000 Census:

- The Latino population increased by 3 million to compose one-third of the state's population.
- The Asian population increased by 1 million to compose one-tenth of the state's population.
- The White (non-Latino) population dropped to less than one-half of the state's population.

White non-Latino are the largest ethnic group using access to visitation services. However, consistent with California's racial and ethnic profile, more than half of the parents are nonwhite, and about one-third of the noncustodial parents and about one-third of the custodial parents are Hispanic or Latino. No other ethnic group accounts for more than 5 percent of the total number of noncustodial parents or custodial parents.

**Language needs.** Over the past two years, only 2 percent of parents reported that they were unable to receive services in the language that they are most comfortable speaking. Although that number is low, the fact remains that at least 15 percent of parents identified they are most comfortable speaking a language other than English. Of these parents, 85 percent are most comfortable speaking Spanish (no other language accounted for more than 1 percent of the total responses).

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<sup>87</sup> Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004* (March 2004), p.

<sup>88</sup> Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004* (March 2004), p. 21.

<sup>89</sup> Lyons, Andrew, *Gender and Ethnicity in the U.S., California and the CSU*, (March 2003), p 1.

<sup>90</sup> *Ibid.*

<sup>91</sup> Reyes, Belinda I., *A Portrait of Race and Ethnicity in California: An Assessment of Social and Economic Well-Being*, Public Policy Institute of California, 2001, p. vii.

The 2000 U.S. Census documented that more than 28 percent of all Spanish speakers, 23 percent of Asian and Pacific Island language speakers, and 13 percent of Indo-European language speakers speak English “not well” or “not at all.”<sup>92</sup> Programs reported that they were able to provide service in the language the parents are most comfortable speaking for 94 percent of noncustodial parents and 97 percent of custodial parents.

As the population continues to become increasingly diverse, parents are more likely to need assistance in a variety of languages. This is especially true given that California courts are the most culturally and linguistically diverse in the United States and California residents speak 224 different languages and innumerable dialects.<sup>93</sup> Programs must have the necessary resources to continue to provide services in languages that are most comfortable for the client. This includes having sufficient numbers of bilingual staff and written materials translated to the appropriate languages.

### **Data Summary Conclusions and Recommendations**

A variety of implications and challenges for programs can be based on these characteristics: staff should be trained in cultural competency to effectively serve constituents, and providers should have sufficient and adequate funding for safety and security at each site location to ensure the protection and welfare of all family members. These initial findings may require additional programmatic or policy directives, as grant-recipient states are required to ensure that adequate and appropriate procedures are in place and being used to ensure client safety. Additionally, access to visitation services need to be affordable to parents. In essence, knowing who is accessing these services sheds light on how to improve and expand program service delivery and provides a general baseline to use when measuring whether programs are making an impact in their court and community. The Access to Visitation Grant Program data collection project team hopes that data findings will help the Legislature, the courts, and other policymakers make informed decisions about the future of this grant program.

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<sup>92</sup> U.S. Bureau of Census, *Ability to Speak English: 2000* (table QT-P17), available at <http://factfinder.census.gov>.

<sup>93</sup> Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004* (March 2004), p.18.

## Conclusion and Future Projects

The Judicial Council of California and the Administrative Office of the Courts will continue to actively work with the federal Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, the Family and Juvenile Law Advisory Committee, courts, grant recipients, and the state Legislature to address programmatic challenges and enhance high-quality program service delivery for all California families receiving access to visitation services.

It is anticipated that during fiscal years 2007–2009, California’s Access to Visitation Grant Program will undertake an examination of the grant-related services and court and client needs with the overarching intent of: (1) developing a roadmap for more comprehensive service delivery; (2) clarifying future directions and goals of the grant program; and (3) creating both long- and short-term strategies for addressing ongoing challenges. The grant program will consult *A Collaboration and Strategic Planning Guide for States: Child Access and Visitation Programs* for setting guidance and framework for the reassessment, reevaluation, and redesign of California Access to Visitation Program services, where appropriate and feasible.

The guide was produced by the federal Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services. It was released in March 2007. The guide describes how to establish an effective partnership among state Access to Visitation Grant Programs, courts, child support agencies, and other public and community agencies in analyzing statewide needs and service delivery, assessment of individual state programs and developing a statewide access to visitation service strategy to respond to the needs of noncustodial parents.<sup>94</sup> The guide is grounded in the experiences of three states (Colorado, Tennessee, and Texas) and includes practical advice on initiating a successful program planning strategy.<sup>95</sup>

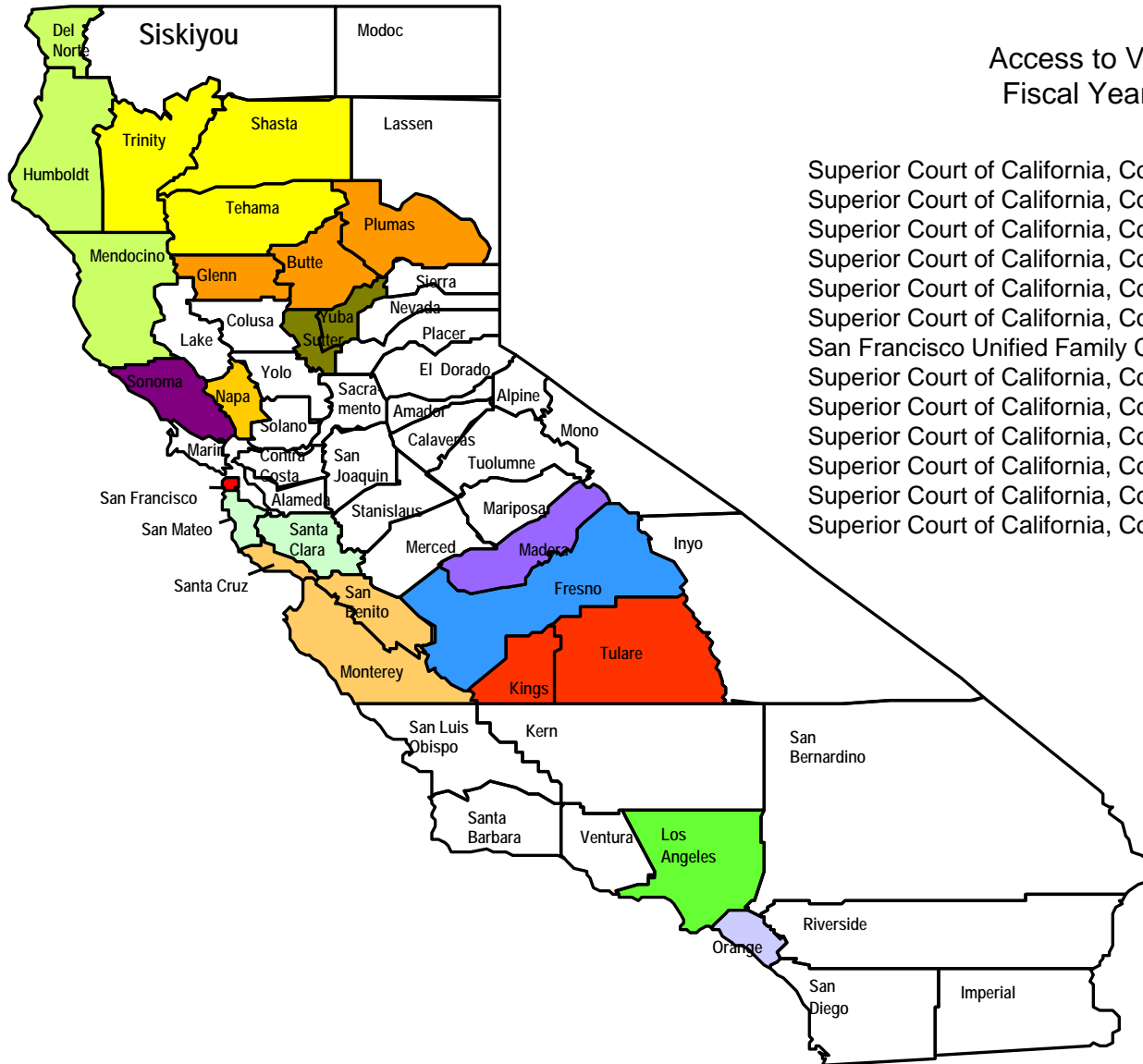
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<sup>94</sup> Memo to all state IV-D directors and state Access to Visitation Grant program coordinators from the U.S. Department of Health and Human Services, Administration for Children and Families (March 2007).

<sup>95</sup> *Ibid.*



## Appendix A Map of California



### Access to Visitation Grant Program Fiscal Year 2007–2008 Grantees

Superior Court of California, County of Butte	\$ 60,000
Superior Court of California, County of Fresno	\$ 59,928
Superior Court of California, County of Los Angeles	\$100,000
Superior Court of California, County of Mendocino	\$ 45,000
Superior Court of California, County of Napa	\$ 27,000
Superior Court of California, County of Orange	\$ 86,978
San Francisco Unified Family Court	\$ 60,000
Superior Court of California, County of Santa Clara	\$100,000
Superior Court of California, County of Santa Cruz	\$ 60,000
Superior Court of California, County of Shasta	\$ 60,000
Superior Court of California, County of Sonoma	\$ 34,000
Superior Court of California, County of Tulare	\$ 36,844
Superior Court of California, County of Yuba	\$ 41,788
<b>Total:</b>	<b>\$771,538</b>



**Section 669b of Title 42 of the United States Code  
(Section 469B of the Social Security Act)**

**PUBLIC LAW 104-193:  
PERSONAL RESPONSIBILITY AND WORK  
OPPORTUNITY RECONCILIATION ACT**

**Title III, Subtitle I, Section 469b  
of the Social Security Act**

**110 STAT. 2258**

**PUBLIC LAW 104-193 — AUG. 22, 1996**

**Subtitle I--Enhancing Responsibility and Opportunity for Non-Residential Parents**

**SEC. 391. GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS.**

Part D of title IV (42 U.S.C. 651-669), as amended by section 353 of this Act, is amended by adding at the end the following new section:

**42 USC 669B “SEC. 469B. GRANTS TO STATES FOR ACCESS AND  
VISITATION PROGRAMS.**

“(a) In General.--The Administration for Children and Families shall make grants under this section to enable States to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of 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.

“(b) AMOUNT OF GRANT.--The amount of the grant to be made to a State under this section for a fiscal year shall be an amount equal to the lesser of--

“(1) 90 percent of State expenditures during the fiscal year for activities described in subsection (a); or

“(2) the allotment of the State under subsection (c) for the fiscal year.

“(c) ALLOTMENTS TO STATES.--

“(1) IN GENERAL.--The allotment of a State for a fiscal year is the amount that bears the same ratio to \$10,000,000 for grants under this section for the fiscal year as the number of children in the State living with only 1 biological parent bears to the total number of such children in all States.

“(2) MINIMUM ALLOTMENT.--The Administration for Children

and Families shall adjust allotments to States under paragraph (1) as necessary to ensure that no State is allotted less than--

``(A) \$50,000 for fiscal year 1997 or 1998; or

``(B) \$100,000 for any succeeding fiscal year.

``(d) NO SUPPLANTATION OF STATE EXPENDITURES FOR SIMILAR ACTIVITIES.--A State to which a grant is made under this section may not use the grant to supplant expenditures by the State for activities specified in subsection (a), but shall use the grant to supplement such expenditures at a level at least equal to the level of such expenditures for fiscal year 1995.

``(e) STATE ADMINISTRATION.--Each State to which a grant is made under this section--

``(1) may administer State programs funded with the grant, directly or through grants to or contracts with courts, local public agencies, or nonprofit private entities;

``(2) shall not be required to operate such programs on a statewide basis; and

``(3) shall monitor, evaluate, and report on such programs in accordance with regulations prescribed by the Secretary.



## Appendix C

### California Family Code §§ 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. [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.

*Assembly Bill 673 (Statutes 1999, chapter 1004 (Honda)); repealed FC § 10100-10102 and added Family Code sections 3201-3204.*



## Appendix D

### **Applicant Courts and Court Subcontractors Funded From 1997-1998 Through 2006-2007**

10-Year Applicant Courts:

#### **Superior Court of California, County of Los Angeles: *Safe Access and Friendly Exchanges for Kids (S.A.F.E. for Kids) Program***

A Change of Faces (became a court subcontractor in fiscal year 2004)  
Bienvenidos Family Services  
Children's Bureau of Southern California (from 2001–2003)  
Children's Center of Antelope Valley (from 1999–2000 and 2002–2003)  
Los Angeles Wings of Faith  
The Ness Center  
Superior Court of Los Angeles County, Family Court Services  
Superior Court of Los Angeles County: For the Children Parent Education Curriculum (from 1997–1998)  
Richstone Family Center (closed in fiscal year 2004)

#### **Superior Court of California, County of Mendocino: *The North Coast Family Access and Opportunities Program***

Del Norte Child Care Council  
Exchange Club Parenting Center (became a court subcontractor in fiscal year 2006)  
Mendocino Family and Youth Services  
S.A.F.E. for You (CASA of Humboldt County) (from 1997–2005)  
Superior Court of Del Norte County, Family Court Services  
Superior Court of Humboldt County, Family Court Services  
Superior Court of Mendocino, Family Court Services

#### **Superior Court of California, County of Napa: *Napa Access Program***

COPE Family Center  
Health and Human Services, Napa County  
Napa Police Department  
Superior Court of Napa County, Family Court Services

#### **Superior Court of California, County of San Francisco: *Family Cohesion Collaborative Program***

Apple Family Center (from 1997–1999)  
COPE Family Center (from 1997–2001)  
Rally Family Visitation Services of St. Francis Memorial Hospital  
Superior Court of Alameda County (from 2001–2002)  
Superior Court of Marin County (from 1997–1999)  
Superior Court of Napa County (from 1997–2001)  
Superior Court of San Francisco County, Unified Family Court

**Superior Court of California, County of Santa Clara: *Connections for Kids Program***

Chamberlain Children’s Center (from 1997–2002)  
Community Solutions for Families, Children, and Individuals, Inc. (closed in fiscal year 2006)  
Creative Family Connections (closed in fiscal year 2003)  
Family Service Agency of Monterey County (from 1997–2002)  
Family Service Agency of San Mateo County  
Next Door Solutions to Domestic Violence (became a court subcontractor in fiscal year 2006)  
Superior Court of San Mateo County, Family Court Services  
Superior Court of Santa Clara County, Family Court Services  
Walnut Avenue Women’s Center (became a court subcontractor in fiscal year 1998–1999)

**Superior Court of California, County of Santa Cruz: *Tri-County Collaboration (TCC)-Connections for Kids Program* (became separate applicant court in fiscal year 2002)**

Chamberlain’s Children’s Center (San Benito County)  
Family Service Agency of Monterey County  
Superior Court of Monterey County, Family Court Services  
Superior Court of San Benito County, Family Court Services  
Superior Court of Santa Cruz County, Family Court Services  
Walnut Avenue Women’s Center (Santa Cruz County)

**Superior Court of California, County of Shasta: *Unified Parent Access Program***

Alternative to Violence (County of Tehama)  
Environmental Alternatives (County of Siskiyou—fiscal years 1997–2001)  
Family Service Agency Parenting Center (Shasta County)  
Human Response Network (County of Trinity—fiscal years 1997–2000)  
Indian Child Welfare Program, Karuk (County of Siskiyou—fiscal years 1997 through 2001)  
Kids’ Connection—Trinity Court Program, Family Court Services  
Northern California Center for Family Awareness— Kids’ Turn Shasta Cascade  
Superior Court of Shasta County, Family Court Services  
Superior Court of Siskiyou County, Family Court Services  
Superior Court of Tehama County, Family Court Services  
Superior Court of Trinity County, Family Court Services  
Tulelake/Newell Family Center (County of Siskiyou—fiscal years 1997–2001)

9-Year Applicant Courts:

**Superior Court of California, County of Sonoma: *Visitation Enhancement Program***

California Parenting Institute (CPI)  
Sonoma County Legal Services Foundation  
Superior Court of Sonoma County, Family Court Services

6-Year Applicant Courts:

**Superior Court of California, County of Butte: *All About Kids Program***<sup>2</sup>

Parent Education Network (PEN)  
Family Bar Association (from 1999–2002)  
Family Law Facilitator’s Office (County of Butte—fiscal years 1999–2002)  
Family Law Facilitator’s Office (County of Glenn—fiscal years 1999–2002)  
Superior Court of Butte County, Family Court Services  
Superior Court of Glenn County, Family Court Services  
Superior Court of Plumas County, Family Court Services

**Superior Court of California, County of Fresno: *Safe Watch Program***<sup>3</sup>

Child Protective Services (from 1997–1998)  
Comprehensive Youth Services  
Fresno County Probation Department (from 1997–1998)  
Kids’ Turn Program (became a court subcontractor in fiscal year 2005)  
Superior Court of Fresno County, Family Court Services  
Superior Court of Kings County, Family Court Services (from 1997–1998)  
Superior Court of Madera County, Family Court Services (from 1997–1998)

**Superior Court of California, County of Orange: *Keeping Kids Safe Program***<sup>4</sup>

Coastal Family Therapy Services (from 2003–2004)  
Family Assessment, Counseling, and Educational Services, Inc. (F.A.C.E.S.)  
Korean Community Services (K.C. Services)  
La Familia  
Superior Court of Orange County, Family Court Services

**Superior Court of California, County of Sacramento: *The Access to Visitation Program***

Auburn Women’s Center (from 2001–2002)  
CASA of Sacramento County  
Child Abuse Prevention Council (County of San Joaquin)  
Family Resource Center (County of Yolo—fiscal year 2001–2002)  
New Morning Youth and Family Services (County of El Dorado—fiscal year 1997–1998)  
Placer Women’s Center/PEACE (County of Placer—fiscal year 1999–2001)  
Rainbow Children’s Center (County of Solano)  
Sexual Assault and Domestic Violence Center (County of Yolo)  
Superior Court of Placer County, Family Court Services  
Superior Court of Sacramento County, Family Court Services

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<sup>2</sup> In fiscal year 1999–2000, this program was called *Butte and Glenn County Supervised Visitation Program*.

<sup>3</sup> The applicant court and subcontractors were funded for fiscal years 1997–1998, 2000–2001, and 2003 to present. In 1997–1998 the program was called *Family Access Services Team (FAST) Program*.

<sup>4</sup> The applicant court and subcontractors were funded for fiscal years 1997–1998, 2000–2001, and 2003–present.

Superior Court of San Joaquin County, Family Court Services  
Superior Court of Solano County, Family Court Services  
Superior Court of Yolo County, Family Court Services  
Walter Britten Visitation Center (County of San Joaquin)  
Woodland Family Resource Center (from 1999–2001)

**Superior Court of California, County of Tulare: *Supervised Visitation Program***

Family Services of Tulare County  
Kings County Probation Department  
Superior Court of Kings County, Family Court Services  
Superior Court of Tulare County, Family Court Services

5-Year Applicant Courts:

**Superior Court of California, County of San Bernardino: *Parents and Children Together Safely (PACTS)***

County Department of Behavior and Health (from 1997–2001)  
Redlands/Yucaipa Guidance Clinic (from 1997–2001)  
YMCA of Greater San Bernardino  
Superior Court of San Bernardino County, Family Court Services

**Superior Court of California, County of Santa Barbara: *Parental Access Program Alliance (PAPA)***

CASA/Voices for Children (County of San Luis Obispo)  
Family Law Facilitator’s Office (County of Santa Barbara)  
Interface Children Family Services (County of Ventura)  
Santa Barbara Family Education, Inc. (from 1999–2001)  
Shelter Services for Women (County of Santa Barbara)  
Superior Court of San Luis Obispo County, Family Court Services  
Superior Court of Santa Barbara County, Family Court Services  
Superior Court of Ventura County, Family Court Services

**Superior Court of California, County of Yuba: *Kids First Yuba-Sutter Family Visitation and Exchange Program***

Parent Education Network (PEN)  
Superior Court of Sutter County, Family Court Services  
Superior Court of Yuba County, Family Court Services

4-Year Applicant Courts:

**Superior Court of California, County of Contra Costa: *Visitation, Education, Collaboration, Training, Outreach Resources Program (VECTOR)*<sup>5</sup>**

Apple Family Works (from 1997–1998 and 1999–2000)  
California Parenting Institute (from 1997–1998 and 1999–2000)

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<sup>5</sup> The applicant court and subcontractors were funded for fiscal years 1997–1998, 1999–2000, and 2000–2002. In fiscal year 2000–2002, this program was called *Responsive Supervised Visitation Program (RSVP)*.



Contra Costa College (from 2000–2002)  
Family Services Agency of Stanislaus County (from 1997–1998 and 1999–2000)  
Safe Exchange (from 1997–1998 and 1999–2002)  
Sierra Vista Children’s Center (from 1997–1998 and 1999–2000)  
Sonoma County Legal Services Foundation (from 1997–1998 and 1999–2000)  
Superior Court of Alameda County, Family Court Services  
Superior Court of Contra Costa County, Family Court Services  
Superior Court of Marin County, Family Court Services  
Superior Court of Sierra County, Family Court Services  
Superior Court of Sonoma County, Family Court Services  
Superior Court of Stanislaus County, Family Court Services

**Superior Court of California, County of San Diego: *San Diego Kids’ Turn Program***<sup>6</sup>  
Kids’ Turn of San Diego County (from 1997–1998 and 2000–2003)  
Real Solutions Center for Children (from 1997–1998 and 2000–2001)  
Superior Court of San Diego County, Family Court Services

3–Year Applicant Courts:

**Superior Court of California, County of Merced: *Children’s Access to Parents (CAP)***  
Children’s Access to Parents (CASA of Merced County)  
Superior Court of Merced County, Family Court Services

2–Year Applicant Courts:

**Superior County of California, County of Amador: *Family Connections Program***<sup>7</sup>  
Amador-Tuolumne County Community Action Agency (ATCAA)  
Human Resource Council (County of Calaveras)  
Superior Court of Amador County, Family Court Services  
Superior Court of Calaveras County, Family Court Services  
Superior Court of Tuolumne County, Family Court Services

**Superior Court of California, County of Madera: *See Room: Access to Visitation and Exchange Program***<sup>8</sup>  
Madera County Community Action Agency  
Superior Court of Madera County, Family Court Services

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<sup>6</sup> In fiscal year 1997–1987, this program was called *Real Solutions Visitation Program* and in fiscal year 2000–2001, this program was called *Responsible-Involved Co-Parent Program (RICP)*.

<sup>7</sup> The applicant court and subcontractors were funded for fiscal years 1997–1998 and 2002–2003.

<sup>8</sup> The applicant court and subcontractors were funded for fiscal years 2002–2003 and 2003–2004.



Appendix E

**Federal Funding Allocation to California and Applicant Court Grant Awards**

<b>Grant Fiscal Year</b>	<b>Federal Funding Allocation to California<sup>96</sup></b>	<b>Range of Grant Awards</b>	<b>Total Allocation to Courts</b>	<b>Total Grants to Applicant Courts</b>	<b>Total Number of Courts in Court/ County Collaborations</b>
1997–1998	\$1,113,750	\$10,000–\$300,000 <i>(grant awards ranged from \$13,000 to \$200,000)</i>	\$1,001,167	14	37
1998–1999	\$1,113,750	\$80,000–\$300,000 <i>(grant awards ranged from \$45,000 to \$162,000)</i>	\$901,725	8	25
1999–2000	\$939,838	\$30,000–\$200,000 <i>(grant awards ranged from \$16,000 to \$96,000)</i>	\$798,945	10	31
2000–2001	\$987,501	\$30,000–\$90,000 <i>(grant awards ranged from \$18,000 to \$81,000)</i>	\$799,225	10	30
2001–2002	\$987,501	\$30,000–\$80,000 <i>(grant awards ranged from \$30,000 to \$80,000)</i>	\$800,000	14	28
2002–2003	\$970,431	\$80,000 maximum <i>(grant awards ranged from \$18,000 to \$80,000)</i>	\$800,000	16	34
2003–2004	\$970,431	Maximum awards based on population size <i>(grant awards ranged from \$45,000 to \$100,000)</i>	\$780,000	14	27
2004–2005	\$988,710	Maximum awards based on population size <i>(grant awards ranged from \$45,000 to \$100,000)</i>	\$780,000	13	26
2005–2006	\$988,710	Maximum awards based on population size <i>(grant awards ranged from \$45,000 to \$100,000)</i>	\$780,000	13	24
2006–2007	\$987,973	Maximum awards based on population size <i>(grant awards ranged from \$45,000 to \$100,000)</i>	\$783,500	14	25
2007–2008	\$950,189	Same as the above	\$771,538	13	24

<sup>96</sup> This grant award amount does not represent the 10 percent required state match.



## **Standard 5.20 of California Standards of Judicial Administration**

### **Standard 5.20. Uniform standards of practice for providers of supervised visitation**

#### **(a) Scope of service**

This standard defines the standards of practice, including duties and obligations, for providers of supervised visitation under Family Code section 3200. Unless specified otherwise, the standards of practice are designed to apply to all providers of supervised visitation, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation. 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. Each court is encouraged to adopt local court rules necessary to implement these standards of practice.

*(Subd (a) amended effective January 1, 2007.)*

#### **(b) Definition**

Family Code section 3200 defines the term "provider" as including any individual or supervised visitation center that monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person. These standards of practice and this definition do not apply to supervision of visitation exchanges only, but may be useful in that context.

*(Subd (b) amended effective January 1, 2007.)*

#### **(c) Qualifications of the provider**

Who provides the supervision and the manner in which supervision is provided depends on different factors, including local resources, the financial situation of the parties, and the degree of risk in each case. While the court makes the final decision as to the manner in which supervision is provided and any terms or conditions, the court may consider recommendations by the attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, therapists, and providers of supervised visitation.

- (1) A "nonprofessional provider" is any person who is not paid for providing supervised visitation services. Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider should:

- (A) Be 21 years of age or older;
  - (B) Have no conviction for driving under the influence (DUI) within the last 5 years;
  - (C) Not have been on probation or parole for the last 10 years;
  - (D) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
  - (E) Have proof of automobile insurance if transporting the child;
  - (F) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
  - (G) Have no current or past court order in which the provider is the person being supervised;
  - (H) Not be financially dependent on the person being supervised;
  - (I) Have no conflict of interest under (g); and
  - (J) Agree to adhere to and enforce the court order regarding supervised visitation.
- (2) A "professional provider" is 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. The professional provider should:
- (A) Be 21 years of age or older;
  - (B) Have no conviction for driving under the influence (DUI) within the last 5 years;
  - (C) Not have been on probation or parole for the last 10 years;
  - (D) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
  - (E) Have proof of automobile insurance if transporting the child;
  - (F) Have no civil, criminal, or juvenile restraining orders within the last 10 years;

- (G) Have no current or past court order in which the provider is the person being supervised;
  - (H) Be able to speak the language of the party being supervised and of the child, or the provider must provide a neutral interpreter over the age of 18 who is able to do so;
  - (I) Have no conflict of interest under (g); and
  - (J) Agree to adhere to and enforce the court order regarding supervised visitation.
- (3) A "therapeutic provider" is a licensed mental health professional paid for providing supervised visitation services, including a psychiatrist, a psychologist, a clinical social worker, a marriage and family counselor, or an intern working under direct supervision of a qualified licensed mental health professional. A therapeutic provider should meet the qualifications provided in (c)(2). A judicial officer may order therapeutic supervision for cases requiring a clinical setting.

*(Subd (c) amended effective January 1, 2007.)*

**(d) Training for providers**

- (1) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider under this standard.
- (2) In addition, professional and therapeutic providers should receive training that should include the following subjects:
  - (A) The role of a professional and therapeutic provider;
  - (B) Child abuse reporting laws;
  - (C) Record-keeping procedures;
  - (D) Screening, monitoring, and termination of visitation;
  - (E) Developmental needs of children;
  - (F) Legal responsibilities and obligations of a provider;
  - (G) Cultural sensitivity;
  - (H) Conflicts of interest;

- (I) Confidentiality; and
- (J) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence.

*(Subd (d) adopted effective January 1, 2007.)*

**(e) Safety and security procedures**

All providers should make every reasonable effort to assure the safety and welfare of the child and adults during the visitation. Supervised visitation centers should establish a written protocol with the assistance of the local law enforcement agency that describes the emergency assistance and responses that can be expected from the local law enforcement agency. In addition, the professional and therapeutic provider should:

- (1) Establish and state in writing minimum security procedures and inform the parties of these procedures before the commencement of supervised visitation;
- (2) Conduct comprehensive intake and screening to assess the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit under this standard. If the child is of sufficient age and capacity, the provider should include the child in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child's developmental stage;
- (3) Obtain during the intake process:
  - (A) Copies of any protective order;
  - (B) Current court orders;
  - (C) Any Judicial Council form relating to supervised visitation orders;
  - (D) A report of any written records of allegations of domestic violence or abuse; and
  - (E) An account of the child's health needs if the child has a chronic health condition;
- (4) Establish written procedures that must be followed in the event a child is abducted during supervised visitation; and



- (5) Suspend or terminate supervised visitation if the provider determines that the risk factors present are placing in jeopardy the safety and welfare of the child or provider as enumerated in (j).

*(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective January 1, 1998.)*

**(f) Ratio of children to provider**

The ratio of children to a professional provider should 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; and
- (6) The experience of the provider.

*(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective January 1, 1998.)*

**(g) Conflict of interest**

All providers should maintain neutrality by refusing to discuss the merits of the case or agree with or support one party over another. Any discussion between a provider and the parties should be for the purposes of arranging visitation and providing for the safety of the children. In order to avoid a conflict of interest, the provider should not:

- (1) Be financially dependent on the person being supervised;
- (2) Be an employee of the person being supervised;
- (3) Be an employee of or affiliated with any superior court in the county in which the supervision is ordered unless specified in the employment contract; or
- (4) Be in an intimate relationship with the person being supervised.

*(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective January 1, 1998.)*

## **(h) Maintenance and disclosure of records**

- (1) Professional and therapeutic providers should keep a record for each case, including the following:
  - (A) A written record of each contact and visit, including the date, time, and duration of the contact or visit;
  - (B) Who attended the visit;
  - (C) A summary of activities during the visit;
  - (D) Actions taken by the provider, including any interruptions, terminations of a visit, and reasons for these actions;
  - (E) An account of critical incidents, including physical or verbal altercations and threats;
  - (F) Violations of protective or court visitation orders;
  - (G) Any failure to comply with the terms and conditions of the visitation; and
  - (H) Any incidence of abuse as required by law.
- (2) Case recordings should be limited to facts, observations, and direct statements made by the parties, not personal conclusions, suggestions, or opinions of the provider. All contacts by the provider in person, in writing, or by telephone with either party, the children, the court, attorneys, mental health professionals, and referring agencies should be documented in the case file. All entries should be dated and signed by the person recording the entry.
- (3) If ordered by the court or requested by either party or the attorney for either party or the attorney for the child, a report about the supervised visit should be produced. These reports should include facts, observations, and direct statements and not opinions or recommendations regarding future visitation unless ordered by the court. A copy of any report should be sent to all parties, their attorneys, and the attorney for the child.
- (4) Any identifying information about the parties and the child, including addresses, telephone numbers, places of employment, and schools, is confidential, should not be disclosed, and should be deleted from documents before releasing them to any court, attorney, attorney for the child, party, mediator, evaluator, mental health professional, social worker, or referring agency, except as required in reporting suspected child abuse.

*(Subd (h) amended and relettered effective January 1, 2007; adopted as subd (g) effective January 1, 1998.)*

**(i) Confidentiality**

Communications between parties and providers of supervised visitation are not protected by any privilege of confidentiality. The psychotherapist-patient privilege does not apply during therapeutic supervision. Professional and therapeutic providers should, whenever possible, maintain confidentiality regarding the case except when:

- (1) Ordered by the court;
- (2) Subpoenaed to produce records or testify in court;
- (3) Requested to provide information about the case by a mediator or evaluator in conjunction with a court-ordered mediation, investigation, or evaluation;
- (4) Required to provide information about the case by Child Protective Services; or
- (5) Requested to provide information about the case by law enforcement.

*(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective January 1, 1998.)*

**(j) Delineation of terms and conditions**

The provider bears the sole responsibility for enforcement of all the terms and conditions of any supervised visitation. Unless otherwise ordered by the court, the provider should:

- (1) Monitor conditions to assure the safety and welfare of the child;
- (2) Enforce the frequency and duration of the visits as ordered by the court;
- (3) Avoid any attempt to take sides with either party;
- (4) Ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times, and that discussions are audible to the provider;
- (5) Speak in a language spoken by the child and the noncustodial party;
- (6) Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's siblings;
- (7) Allow no discussion of the court case or possible future outcomes;

- (8) Allow neither the provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- (9) Allow no spanking, hitting, or threatening the child;
- (10) Allow no visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;
- (11) Allow no emotional, verbal, physical, or sexual abuse; and
- (12) Ensure that the parties follow any additional rules set forth by the provider or the court.

*(Subd (j) amended and relettered effective January 1, 2007; adopted as subd (i) effective January 1, 1998.)*

**(k) Safety considerations for sexual abuse cases**

In cases where there are allegations of sexual abuse, in addition to the requirements of (j), the provider should comply with the following terms and conditions, unless otherwise ordered by the court:

- (1) Allow no exchanges of gifts, money, or cards;
- (2) Allow no photographing, audiotaping, or videotaping of the child;
- (3) Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, prolonged hugging, wrestling, tickling, horseplaying, changing diapers, or accompanying the child to the bathroom;
- (4) Allow no whispering, passing notes, hand signals, or body signals; and
- (5) Allow no supervised visitation in the location where the alleged sexual abuse occurred.

*(Subd (k) amended and relettered effective January 1, 2007; adopted as subd (j) effective January 1, 1998.)*

**(l) Legal responsibilities and obligations of a provider**

All providers of supervised visitation should:

- (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 such reports;
- (3) Implement the terms and conditions under (j); and
- (4) Suspend or terminate visitation under (n).

*(Subd (l) amended and relettered effective January 1, 2007; adopted as subd (k) effective January 1, 1998.)*

**(m) Additional legal responsibilities of professional and therapeutic providers**

In addition to the legal responsibilities and obligations required in (l), professional and therapeutic providers should:

- (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) Implement an intake and screening procedure under (e)(2); and
- (4) Comply with additional requirements under (o).

*(Subd (m) amended and relettered effective January 1, 2007; adopted as subd (l) effective January 1, 1998.)*

**(n) Temporary suspension or termination of supervised visitation**

- (1) All providers should make every reasonable effort to provide a safe visit for the child and the noncustodial party.
- (2) However, 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 should be recorded in the case file.
- (4) All providers should advise both parties of the reasons for interruption of a visit or termination.

*(Subd (n) amended and relettered effective January 1, 2007; adopted as subd (m) effective January 1, 1998.)*

**(o) Additional requirements for professional and therapeutic providers**

Professional and therapeutic providers should state the reasons for temporary suspension or termination of supervised visitation in writing and provide the written statement to both parties, their attorneys, the attorney for the child, and the court.

*(Subd (o) amended and relettered effective January 1, 2007; adopted as subd (n) effective January 1, 1998.)*

*Standard 5.20 amended and renumbered effective January 1, 2007; adopted as sec. 26.2 effective January 1, 1998.*



Appendix G

**Napa Access Supervised Visitation and Exchange Services  
Exit Protocol Report**

**Today's date:** \_\_\_\_\_

\_\_\_ **Visits/exchanges have been completed and parties are referred to Family Court Services**

**Names of parties:**

Custodial parent: \_\_\_\_\_ Noncustodial parent: \_\_\_\_\_

**Reason for referral to Family Court Services:** \_\_\_\_\_

**Names & ages of children:** \_\_\_\_\_

**Case number(s):** \_\_\_\_\_

**Service type** (check one):  Supervised visitation     Supervised exchange

**History of service delivery:**

Date of court order: \_\_\_\_\_ Date of service commencement: \_\_\_\_\_

Number of visits/exchanges per week: \_\_\_\_\_ Number of hours per visit: \_\_\_\_\_

Number of visits/exchanges: Attempted to date: \_\_\_\_\_ Completed to date: \_\_\_\_\_

**Status of services as of this date:**

- Ongoing
- Suspended    Suspension date(s): \_\_\_\_\_
- Terminated    Termination date(s): \_\_\_\_\_

**Reason for suspension/termination** (see detailed explanation in critical incident summary):

\_\_\_\_\_

**Summary of critical incidents, if any** (continue on back if more room required):

\_\_\_\_\_  
\_\_\_\_\_

**History of visit cancellations & reasons stated by party:**

Custodial parent: \_\_\_\_\_

Non-custodial parent: \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Staff Name Here  
Napa Access Program Coordinator

## **Superior Court of Napa County, Napa Access Exit Protocol Instructions**

*Approved May 16, 2007*

In the event that the program coordinator has suspended or terminated service provision because program guidelines were violated by one or both parties, and the coordinator has made reasonable effort to restart services and those efforts have proven to be unsuccessful, the coordinator may refer the matter to mediation for the parties to determine a revised visitation schedule.

Upon satisfaction of any of the above conditions, the program coordinator will complete an exit protocol report and forward it to Family Court Services for further action. (See attached.) A copy of the report will be sent to all parties and, if they are represented by counsel, to the parties' and/or children's attorneys. Upon receipt of the exit protocol report, the Family Court Resource Specialist will review the case file and take one of the following actions depending upon the age or status of the case:

- If the matter was referred to Family Court Services within the last year, the resource specialist will confer with the assigned Family Court Services mediator to schedule a mediation session for the family.
- If the referral to Family Court Services is more than one year old, the resource specialist will inform the parties that they must file an OSC or motion regarding child custody and/or visitation to be referred back to mediation.
- Finally, if the resource specialist determines that the parties were not previously referred to Family Court Services mediation, the resource specialist will inform the parties that they must file an OSC or motion to be referred to mediation. Parties may obtain an OSC or motion through their attorney, or if unrepresented, through the Family Law Facilitator's office.

The Resource Specialist will file the Napa Access coordinator's exit protocol report in the mediation case file. It is hoped that through mediation the parties will be able to reach a new agreement (where appropriate) that eliminates the need for further formal supervised visitation through the Napa Access program. If the parties are unable to reach an agreement, Family Court Services may refer the matter back to court for a determination as to the propriety of the current supervised visitation or exchange order.