



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 20, 2014

Title

Access to Visitation: Program Funding
Allocation for Grant Fiscal Year 2014–2015

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

February 20, 2014

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Kimberly J. Nystrom-Geist, Cochair

Date of Report

January 17, 2014

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the allocation and distribution of \$776,549 statewide for the Access to Visitation Grant Program for federal grant fiscal year 2014–2015 funds for projects within the period April 1, 2014 through March 31, 2015. The funding will be directed to 11 superior courts representing 18 counties and involving 17 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b) (2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective February 20, 2014, approve the funding allocation and distribution among the 11 superior courts of \$776,549 for grant fiscal year 2014-2015, as set forth in the allocation table attached to this report at page 5.

Previous Council Action

At its December 13, 2013 meeting, the Judicial Council approved the funding allocation methodology for one-year continuation Access to Visitation Grant funding for fiscal year 2014–2015. Subject to the availability of federal funding, the approved methodology process will fund current programs that were previously approved by the Judicial Council at its February 26, 2013 meeting. The funding cycle for the Access to Visitation Grant Program for grant fiscal year 2014–2015 will begin on April 1, 2014, and end on March 31, 2015.

At its December 14, 2012 meeting, the Judicial Council approved the funding allocation methodology for one-year continuation Access to Visitation Grant funding for fiscal year 2013–2014 and the creation of an Access to Visitation stakeholder working group charged with proposing new funding methodology options for fiscal year 2014–2015.

At its December 13, 2013 meeting, the council extended for one year the Access to Visitation Funding Working Group, tasked with proposing new funding methodology options for fiscal year 2015–2016. At this meeting, the council also directed the Family and Juvenile Law Advisory Committee to circulate the working group’s funding methodology recommendation to the courts for comment and to make recommendations on funding methodology for approval at the April 2014 Judicial Council meeting. In response to this directive, the committee anticipates circulating its funding methodology recommendation for comment in February and having a proposed funding methodology recommendation available for council consideration at the April 2014 Judicial Council meeting.

In fiscal year 2003–2004, the Executive and Planning Committee, acting on behalf of the Judicial Council, approved a funding cap allocation scheme that set maximum grant funding levels based upon county population. Small counties (population less than 250,000) were capped at \$45,000. Medium counties (population more than 250,000 but less than 1 million) were capped at \$60,000. Large counties (population of more than 1million) were capped at \$100,000. The Judicial Council has maintained this funding cap methodology in its approval of subsequent Access to Visitation funding allocations. The council has approved both the allocation process and the amount of funds to be distributed to the courts since inception of the grant program in fiscal years 1997–1998 through 2013–2014.

Rationale for Recommendation

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services,

Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the federal Personal Responsibility and Work Opportunity Recovery Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant is a formula grant program based on each state's number of single-parent households.¹ California receives the maximum award, which represents less than 10 percent of the total national funding. The amount of grant funds to be awarded to California's courts statewide for the grant fiscal year 2014–2015 is \$776,549. Family Code section 3204(b) (2) authorizes the Judicial Council to determine the final number and amount of grants.

The Judicial Council at its December 12, 2013 meeting authorized the methodology for allocating fiscal year 2014–2015 Access to Visitation Grant one-year funding to the courts for continuation programs previously approved by the council for fiscal year 2013–2014. Eligible courts completed a simplified request for application (RFA) as required by Family Code section 3204(b) (1). The RFA included the submission of the court and their local subcontractor's budget amount request for fiscal year 2014–2015. Consistent with prior council action, the RFA stated that any applicant court that is awarded continuation funding and did not spend all of their Access to Visitation Grant Program funding during the previous funding period (i.e., fiscal year 2013–2014) would have their funding for grant fiscal year 2014–2015 reduced by an amount equal to the amount of unspent funds unless the court/subcontractor's amount of unspent funds is less than \$1,000. For fiscal year 2014–2015, no adjustments were necessary because of unspent funds. The proposed funding allocation is coming before the council for approval.

The AOC Center for Families, Children & the Courts (CFCC) received 11 grant applications from the eligible superior courts, which represent 18 counties and involve 17 subcontractors (i.e., local community nonprofit service providers). The total funding request from the RFA applicant courts was \$776,549 and the total available statewide funds are \$776,549. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for grant fiscal year 2014–2015 is \$946,641.²

Comments, Alternatives Considered, and Policy Implications

This proposed allocation was not circulated for public comment nor were alternative funding methodologies considered because alternatives were considered by the Judicial Council at its December 12, 2013 meeting. At that time, the council approved one-year continuation funding

¹ The statistical data (e.g., number of single-parent households) used to determine the formulaic distribution of funding to the states is based on U.S. Census data.

² The difference between the federal funding allocation of \$946,641 and the \$776,549 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance with required program data collection and mandatory attendance at the annual grant meeting required by the funder. Funds have been allocated for these statewide services since inception of the grant program in 1997. The federal funding allocation amount for California for fiscal year 2014–2015 was reduced by approximately \$12,000 from fiscal year 2013–2014. This reduction was applied to the statewide services budget and does not reduce the courts' grant amounts.

for fiscal year 2014–2015. This proposal merely allocates specific grant dollar amounts to each eligible court consistent with the council’s prior action.

Implementation Requirements, Costs, and Operational Impacts

Historically and currently, a 20 percent nonfederal match has been required from the courts or their local service providers. This requirement has been fulfilled by an in-kind match that covers the courts’ implementation costs, such as procuring service providers, processing and submitting program invoices, and data collection.

The AOC will execute contract agreements with the designated administering courts, listed in the attached allocation table. The courts will then execute memoranda of understanding with their local service providers. Each court and service provider receiving funds is required to comply with all federal and state grant funding requirements. Grant recipients must also comply with all fiscal and administrative requirements as well as grant terms and conditions set forth by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

Attachments

1. Table of Superior Courts and Grant Award Amounts for Grant Fiscal Year 2014–2015, at page 5
2. Attachment A: Family Code section 3204

**Judicial Council of California
Administrative Office of the Courts
Judicial and Court Operations Services Division
Center for Families, Children & the Courts**

ACCESS TO VISITATION GRANT PROGRAM

**List of Administering Superior Courts and Grant Award Amounts
for Grant Fiscal Year 2014–2015**

Superior Courts of California	Counties Served	Total Grant Funding Allocation
Superior Court of Butte County	Butte and Glenn	\$67,956
Superior Court of Contra Costa County	Contra Costa and Alameda	\$107,956
Superior Court of El Dorado County	El Dorado and Alpine	\$42,192
Superior Court of Mendocino County	Mendocino and Del Norte	\$52,956
Superior Court of Napa County	Napa	\$52,956
Superior Court of Orange County	Orange	\$107,956
Superior Court of Sacramento County	Sacramento	\$39,956
Superior Court of San Francisco County	San Francisco and Marin	\$107,956
Superior Court of Santa Clara County	Santa Clara	\$91,180
Superior Court of Tulare County	Tulare and Kings	\$67,956
Superior Court of Yuba County	Yuba and Sutter	\$37,529
Total		\$776,549

California Family Code Section 3204

3204. (a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

(A) Availability of services to a broad population of parties.

(B) The ability to expand existing services.

(C) Coordination with other community services.

(D) The hours of service delivery.

(E) The number of counties or regions participating.

(F) Overall cost-effectiveness.

(G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent even-numbered year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial

parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.