



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title

Access to Visitation Grant Program: New
Funding Methodology

Agenda Item Type

Action Required

Effective Date

April 25, 2014

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 15, 2014

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving the proposed new funding methodology for California's Access to Visitation Grant Program, effective federal fiscal year 2015–2016, which begins on April 1 and ends on March 31. The proposed new funding methodology is proposed in response to the Judicial Council's directive to (1) create an Access to Visitation Stakeholder Workgroup charged with proposing new funding options for fiscal year 2015–2016; and (2) make final recommendations to the council on ways to streamline the grant application processes and develop alternatives that more equitably distribute funding while maintaining program objectives.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the following new funding allocation methodology for the Access to Visitation Grant Program:

1. Conduct an open request for proposals (RFP) process for the superior courts to apply for federal fiscal year funding for 2015–2016 in June or July 2014.
2. Subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding will receive continuation funding for three years (from federal fiscal years 2015–2016 through 2017–2018).
3. The RFP process will open up again in federal fiscal year 2018–2019 for another three-year funding period, with a permanent open RFP process repeating every three years and grant funding provided to the selected courts for a three-year period.
4. Grant funding amounts will be divided into three categories: a maximum of \$45,000, a maximum \$60,000, and a maximum of \$100,000.
5. Two demographic factors will be used to determine which of the three funding categories would apply to a given court: (1) the number of single-parent households in the county, from U.S. Census data; and (2) the number of individuals with income below the federal poverty level in the county, per U.S. Census data.
6. Grant funds that may become available when a grantee court withdraws from the program or does not spend its full grant award would be distributed to courts that are currently receiving Access to Visitation grant funds through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.

Previous Council Action

Family Code section 3204(b)(1) requires California's Access to Visitation Grant Program to conduct an RFP process that may include multiyear funding. For federal fiscal years (FYs) 2003–2004 through 2009–2010, the Family and Juvenile Law Advisory Committee recommended to the Judicial Council that the Access to Visitation Grant Program RFP process be open only to continuation programs (i.e., courts that were already receiving grant funding). The Judicial Council approved both the funding methodology and the allocation of grant award funding to the superior courts for each of the federal fiscal year funding periods.

The Family and Juvenile Advisory Committee recommended and the Judicial Council approved that, commencing federal fiscal year 2010–2011 through 2012–2013, the Access to Visitation Grant Program RFP be open to all superior courts to apply for these limited grant funds, and the council also approved the grant funding allocation to the courts. For federal FY 2013–2014 and FY 2014–2015, the committee recommended, and the council approved, continuation grant

funding to those courts that had already gone through the competitive process in the previous funding cycle. In addition to approving the funding allocation methodology, the Judicial Council also determined, for each federal fiscal year funding cycle, whether funding would be for a single-year or multiyear cycle.

At its December 14, 2012 meeting, the Judicial Council approved the Family and Juvenile Law Advisory Committee's recommendation for creation of an Access to Visitation Stakeholder Workgroup charged with proposing new funding methodology options for federal fiscal year 2015–2016. The council also directed the Family and Juvenile Law Advisory Committee to circulate any proposed funding methodology to the courts and key stakeholders for comment before making recommendations to the council at its April 2014 meeting. The committee created an Access to Visitation Stakeholder Workgroup in 2013 and circulated the proposed new funding methodology options to the courts and key stakeholders for comments February 14, 2014, through March 4, 2014.

Rationale for Recommendation

Family Code section 3204(a) requires the Judicial Council to annually apply 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 1996 Federal Personal Responsibility and Work Opportunity Recovery Act (PRWORA). These grants enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. Funding for California's Access to Visitation Grant Program is limited by statute to three types of programs: supervised visitation and exchange services; parent education; and group counseling. Federal grant funding allocation to states is based on the number of single-parent households.

California receives the maximum award (approximately \$945,000), which represents less than 10 percent of the total national funding. The amount of grant funds to be awarded to courts statewide is approximately \$755,000 to \$770,000 each federal fiscal year.¹ Family Code section 3204(b) authorizes the Judicial Council to determine the final number and amount of grants. The Family and Juvenile Law Advisory Committee provides recommendations to the council to assist in making a final determination for allocating these funds.

To ensure that the Access to Visitation Grant Program funding is distributed to the courts in the most equitable manner, the Judicial Council approved the advisory committee's creation of the Access to Visitation Stakeholder Workgroup, charged with proposing new funding methodology options for federal fiscal year 2015–2016. The working group explored ways to streamline the

¹ The difference between the federal funding allocation of \$945,000 and the approximately \$755,000 to \$770,000 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training to meet the statutory requirements of Family Code sections 3200.5 and 3202(a), evaluative site visits, assistance in required program data collection, and mandatory attendance at annual grant meeting required by the funder. Funds have been allocated for these statewide services since inception of the grant program in 1997.

existing grant processes, evaluated the current funding methodology, and developed innovative alternatives that would ensure an equitable distribution of grant funds while maintaining program objectives.

Grant funding preference

California's Access to Visitation Grant Program staff will conduct an open RFP process for the superior courts to apply for federal fiscal year funding for 2015–2016, and those courts selected for grant funding will receive continuation funding for three years (for federal fiscal years 2015–2016 through 2017–2018), with a permanent open RFP process repeating every three years with grant funding to the selected courts for a three-year period. The proposed three-year funding period is consistent with California's grant application to the federal Office of Child Support Enforcement for Child Access and Visitation Grant funding. In previous years, California's grant application had to be submitted each federal fiscal year. Effective fiscal year 2012, this process was changed by the funder to require states to submit their grant funding application every three years for approval.

Grant funding criteria and amounts

Grant funding amounts are divided into three maximum categories: \$45,000, \$60,000, and \$100,000. Two demographic factors will be used to determine which of the three funding categories apply to a given court: (1) the number of single-parent households in the county, per U.S. Census data; and (2) the number of individuals with income below the federal poverty level in the county, determined by using the percentage of persons below the poverty level for each county multiplied by the total county population, also per U.S. Census data. Each of these factors will be weighted equally; hence, the number of single-parent households in each county will be multiplied by 50 percent, as will the number of persons below the poverty level in each county. The combined number for each county will then be ranked: counties in the top third will be eligible for up to \$100,000 in funding; those in the middle third, \$60,000; and those in the lower third, \$45,000.

This funding methodology determines only the maximum grant dollar amount for which each applicant court would be eligible. The demographic factor number for courts that choose to apply jointly for funding will be determined by adding the individual county's demographic number for each factor together and that sum will determine the joint applicants' maximum grant dollar amount. All applicant courts need to go through the RFP and grant application review process to determine if they will be selected for grant funding.

Use of excess grant funds

Grant funds that become available if a grantee court withdraws from the program or does not spend its full grant award will be distributed to courts currently receiving Access to Visitation Grant Program funds through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding. Each of the grantee courts will receive a midyear reallocation questionnaire to help evaluate the court/subcontractor funding needs and justification for

receiving additional funding. Reallocation of grant funds is subject to the approval of the Judicial Council.

Comments, Alternatives Considered, and Policy Implications

The Judicial Council directed the Family and Juvenile Law Advisory Committee to circulate to the superior courts and other key stakeholders for comment the funding methodology recommended by the Access to Visitation Stakeholder Workgroup and to make recommendations regarding funding methodology for approval at the April 2014 Judicial Council meeting. The proposed funding methodology was circulated through an invitation to comment process from February 14, 2014, through March 4, 2014, to the presiding judges and court executive officers of the superior courts; Family Court Services directors, managers, and supervisors; Access to Visitation grant recipients and local program subcontractors; and professional subject-matter experts who previously served on the Access to Visitation Grant Program strategic planning group and/or as grant reviewers.

Comments

During the comment process, the committee received a total of 10 comments. The commentators included representatives from the courts, including current grant recipients and local program subcontractors. The following issues received the most significant comments:

- Basing funding methodology on two demographic factors
- Distribution of excess funds
- Suggestions for streamlining the application and review process

The committee reviewed and analyzed the comments and responded with a number of recommendations and suggestions. A chart with all comments received and committee responses is attached at pages 11–29.

Base funding methodology on two demographic factors. Of the comments received, five commentators agreed with the new proposed funding methodology of using two demographic factors to determine which of the three funding categories apply to any given court; four agreed with the proposed option, if modified; and one commentator disagreed with the proposed option.

Of the comments received that agreed with the new funding methodology option, if modified, two of the commentators thought that the statistics of low-income, single-parent households may not reflect the number of noncustodial parents needing supervised visitation services and that the funding methodology should use additional factors that include ratios of behavioral statistics in areas such as domestic violence, criminal filings, substance abuse, gang activity, and teen pregnancy. The committee disagreed with this suggestion because currently no reliable statistical data that track the number of noncustodial parents needing supervised visitation services are available through the California court system, California's Access to Visitation Grant Program Data Collection and Reporting System, or the federal State Program Survey data collection system to determine the funding formula.

Another commentator thought that the comparisons to different counties, especially those with urban centers, would leave many rural counties out of the running. Instead of directly comparing numbers of people, they proposed that comparing the percentage of the county population comprising single-parent households and the percentage below the federal poverty level may be more accurate. The committee discussed the suggestion but believes that the use of the two demographic factors would not exclude any particular-sized jurisdiction from eligibility for funds, and the federal poverty level provides reliable county-level data that is used in many government programs and is consistent with the statutory mandate to provide services to low-income families.

One commentator disagreed with the proposed new funding methodology. The commentator proposed instead using local county data information and not the federal poverty level to determine the funding category for which courts may apply. The commentator contends that federal poverty information has not been used in the past for the grant program and that it is unclear, based on the proposed formula definition, (1) which U.S. Census dataset would be used to measure *individual* income levels, and (2) how the “single-parent” household variable would be defined and measured. The commentator stated that regarding *individual* income levels, many types of datasets are available through the U.S. Census and each dataset is unique in terms of how personal and householder income levels are measured and that it would be important to distinguish the difference between *householder* and *individual* income levels.

The Judicial Council has been reviewing a number of grant funding allocation methodologies for various grant programs administered by the Administrative Office of the Courts (AOC). The grant funding methodology used by the Access to Visitation Grant Program historically has been the use of county population figures to determine which funding category would apply to a given court. The proposed new funding methodology would use a combination of the number of individuals in the county whose income is below the federal poverty limit (FPL) and the number of single-parent households in the county to determine the appropriate court funding category. The FPL is being recommended because it may be a better indicator of the relative level of need for grant funding for any given county—these individuals below the FPL might not otherwise be able to afford supervised visitation services—and is consistent with the program goal of making services accessible to low-income families. Family Code 3204(c) also requires the court to approve sliding-scale fees based on an individual’s ability to pay.

Additionally, the demographic factors are being used to determine only for which funding category that courts may apply. For example, if a county has a high percentage of individuals living below FPL, it is likely also to have a high percentage of individuals living below local poverty guidelines. Which of the three funding tiers a county falls into is unlikely to be sensitive to which demographic data are used (i.e., if we used different data, our results wouldn’t likely vary significantly). Percentage below FPL is a better measure than median income because the spread around the median can be either narrow or wide, thereby inadequately identifying the share of the population that is low income. The two demographic factors would use the U.S.

Census categories of “male householder, no wife present, with own children under 18 years” and “female householder, no husband present, with own children under 18 years.” The Census defines *householder* as “[t]he person, or one of the people, in whose name the home is owned, being bought, or rented” and *household type* as “classified . . . according to the sex of the householder and the presence of relatives.”

Distribution of excess funds. The committee specifically requested comment on the distribution of grant funds that may become available when a grantee court withdraws from the program or fails to spend its full grant award. Although the committee provided options for these excess funds, such as using them to provide program planning grants to courts or distributing them to the next-ranked unfunded court(s) during the open RFP process, a majority of the commentators (a total of 5 of the 10 commentators) suggested that any excess funds be distributed equally to current grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding. Two commentators proposed that the excess funds be distributed to the next-ranked court, and 2 proposed that the funds be equally distributed only to current grantees through a midyear reallocation process. Only 1 commentator recommended distribution of the funds to the courts for the purpose of planning grants. The committee noted these suggestions but recommends, based on the majority of comments received, that excess grant funds be distributed to courts that are currently receiving Access to Visitation grant funds through a midyear reallocation process based on a needs assessment of all requesting courts.

Streamlining of application and review process. The committee specifically requested comment on how to streamline California’s Access to Visitation Grant Program RFP application and grant review process regarding the allocation of funding to the superior courts. Of the 10 comments received, 6 of the commentators provided specific feedback regarding the RFP grant application process. One of the commentators recommended that the AOC accept the RFP grant applications through electronic submission rather than asking courts to mail one original and one copy. The committee agreed with the recommendation and suggests that staff plan on incorporating it into the RFP process. Another commentator recommended that the selection criteria for the programs be based on (in this order) the grantee track record results, past grantee performance (such as the submission of reports, court/subcontractor invoicing, and courts spending their grant award funds), and responsiveness to the grant RFP application. The committee noted this recommendation but believes that a new program by its very nature would not have a track record and might be at a disadvantage.

Another commentator suggested that there should be a way to reward courts that ensure that the maximum amount of the funds goes directly toward program service delivery and that additional consideration be given to courts that do not charge administrative costs to the grant and therefore dedicate the maximum amount of their grant funds to services. The committee noted that the existing process already takes these points into account and is consistent with the federal intent of the Child Access and Visitation Grant Program: the grant funds should be used to provide direct services. This criterion is also part of the RFP grant application review process, including

evaluation of the court/subcontractor projected budget costs to ensure they are reasonable and cost-effective.

One commentator stated that for transparency, the members of the application review committee should include representatives of the grantee programs (previous or currently funded) and providers from both northern and southern regions. The committee agreed with the suggestion, which is the current practice, and will work with the Access to Visitation Grant Program to continue this practice.

Lastly, another commentator questioned how the RFP would weigh the various criteria outlined in Family Code section 3204(b)(1) and what percentage of total points would be assigned to each criteria? The Access to Visitation Grant Program RFP grant application is based on the evaluation criteria stated in Family Code section 3204(b)(1)–(2) and state and federal grant reporting requirements. AOC staff develop the RFP grant application selection criteria based on the evaluation criteria stated in the Family Code, grant terms and conditions, compliance with standard 5.20 of the California Standards of Judicial Administration and Family Code section 3200.5, and other grant policy directives. Additional evaluation factors also include a sound history of program and fiscal administration. The RFP grant application review process will continue to evaluate the grant application proposals and evaluation criteria based on a set number of points.

Alternatives considered

Grant funding preference. The committee considered other grant funding alternatives before circulation for comment. One of the alternatives was to maintain the status quo of funding continuation programs. This alternative would offer several advantages: those courts have already gone through the competitive process in previous funding cycles and have been approved by the Judicial Council, which would allow for a more simplified RFP application process because the courts' required information would already be on file with the Administrative Offices of the Courts; and the courts would be able to fully implement a viable program in less time. Programs could be operational on the first day of the grant funding period, which would maximize the potential numbers of clients to be served under the grant program. The disadvantage is that the alternative does not allow other courts to compete for the grant funds. All of the commentators agreed with the option of conducting an open RFP process, and the committee recommends this practice as part of the new funding methodology for the grant program.

The committee also considered whether funding should be limited to one year or whether multiyear funding should continue. The committee agreed to propose multiyear funding to streamline the grant allocation process and provide some funding stability for the selected courts.

Grant funding criteria and amounts.

Maintain status quo—grant funding amounts. The first alternative considered was whether to continue to allocate funding to the courts based on population size. The benefit of this approach

is stabilized funding for courts because there would be no increase or decrease in funding to any court. The result of this funding option would be greater funding to courts in counties with larger populations. The disadvantage with this approach is that it does not provide increased funding levels for courts in smaller populations and may result in a reduced number of courts awarded funding statewide.

After considerable discussion, the committee recommend dividing the grant funding amounts into the three categories and using the two demographic factors to determine which of the three funding categories apply to a given court. The committee preferred this approach because it takes into account what minimally is needed to sustain a viable program even for smaller jurisdictions.

Divide the funding evenly between all courts selected to receive funding. The option of providing an equal amount of grant funding to all courts selected for interested fiscal year funding was considered by the committee. The drawback under this approach is that some courts would receive a decrease in funding, which would affect the number of families served under the grant program, and some courts with increased funding levels would possibly not spend their full grant allocation, which would cause unspent grant funds to revert back to the federal funder. The committee determined that a better approach would be to divide the grant funding into three categories with a minimal baseline because the levels of funding have proven to be successful for the courts in their ability to maintain a viable program.

Divide the funding evenly between all courts. The option of awarding an equal amount of grant funds to all 58 courts statewide was considered by the committee and is not recommended. Funding to all 58 counties would amount to approximately \$13,000 per court. The committee determined that this level of funding would not adequately support a viable program and would not be cost-effective for the grant program given federal and state requirements. Furthermore, grant reporting terms and conditions might create additional operational and administrative challenges for courts. In addition, the amount of funding to each court would be so small that the amount of services provided by the courts across the state would be nominal and the limited funding would provide little incentive for many service providers to respond to court RFPs for services under the grant program. Superior courts do not provide direct services under a grant but enter into contractual agreement with their local service providers.

Implementation Requirements, Costs, and Operational Impacts

Implementation of California's Access to Visitation Grant Program funding methodology would be effective federal fiscal year 2015–2016. No implementation costs or operational impacts are associated with the proposed new methodology. The approval and implementation of the methodology would result in the courts' timely receipt of funds, and potential court applicants would be provided adequate notice of the proposed changes in the award methodology to prepare for effects on program budgets and operations.

Relevant Strategic Plan Goals and Operational Plan Objectives

The proposed Access to Visitation Grant Program funding methodology aligns with the strategic and operational goals established by the Judicial Council, specifically Goal II, Independence and Accountability.

Goal II specifies that the “judiciary must maintain its status as an independent, separate, and co-equal branch of government” and that “the judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decision-making in accordance with the constitution and the law.” Furthermore, the “branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.” The proposed methodology includes revisions that incentivize efficient and effective use of Judicial Council funding distributed to California’s Access to Visitation Grant Program each federal fiscal year.

Attachments

1. Chart of comments, at pages 11–29.

Access to Visitation Grant Program: New Funding Methodology

All comments are verbatim unless indicated by an asterisk (*).

- 1) Proposal for a three-year funding cycle with application through request for proposal (RFP) process open to all courts in FY 2015–2016 and funding continuing for those courts selected through FY 2017–2018; thereafter with a cycle of open RFP and repeating three-year funding.

	Commentator	Position	Comment	Committee Response
1.	Superior Court of Orange County Cathy Harmon, Unit Manager Family and Probate Court Services	A		No response required.
2.	Sonia E. Melara, MSW Executive Director Rally Family Visitation Services	A	The only problem with this option is that if established programs do not make the final cut for the programs being funded due to a technicality – not ability to perform, they may be in jeopardy of closing their doors. There should be a way to ensure that existing programs with a track record are not jeopardized over newly established ones.	The technical requirements of the application process need to be applied uniformly.
3.	Superior Court of Napa County Kathleen O’Neill Family Court Program Specialist	A	The 3 year cycle will facilitate long term planning for the grantee and their subcontractor(s).	No response required.
4.	Superior Court of Mendocino County Carol Park Family Court Services Director and Access to Visitation Grant Project Director	AM	An annual schedule/timeline for submitting the required annual submissions for funding for the following year should be established. At the very least, programs should be notified at least 6 months in advance regarding the next round of RFP application deadlines. Lead court staff need advance notice to work the RFP process into their routine mediation and administrative duties.	The committee agrees to incorporate the suggestion and the Access to Visitation Grant Program will publish on the California Courts website an RFP grant application timeline that includes appropriate deadlines regarding the RFP grant application process. Because the state of California does not receive the federal funding grant award letter (notification of available funding) until approximately three-to-four months before the FY begins, the ability to provide the courts with a six month advance notice does not

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	Commentator	Position	Comment	Committee Response
				appear possible. Federal funding under the grant program is on an annual basis.
5.	Superior Court of Santa Clara County Charmayne Moran Management Analyst	A		No response required.
6.	Superior Court of El Dorado County Susan Sandoval Fiscal Services Supervisor	A	Although we understand that moving to a competitive grant proposal process would mean that El Dorado County could potentially lose funding, we think it is important that each court have a chance to apply for Access to Visitation funding.	No response required.
7.	Superior Court of Riverside County Carrie Snuggs Family Law & Juvenile Director	A		No response required.
8.	Comprehensive Youth Services Lisa M. Brott, MSW, LCSW Program Manager	A		No response required.
9.	Superior Court of Butte County Kimberly Flener and Lisa Bergman CEO and Director of Family and Children's Services	A		No response required.
10.	Superior Court of Los Angeles County Margaret Little Senior Administrator, Family Law/ Probate/Mental Health	A		No response required.

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- 2) Proposal to base funding methodology on two demographic factors: the number of single-parent households in the county and the number of individuals with income below the federal poverty level in the county, to determine which funding level a court is eligible to apply for.

	Commentator	Position	Comment	Committee Response
11.	Superior Court of Orange County Cathy Harmon, Unit Manager Family and Probate Court Services	A		No response required.
12.	Sonia E. Melara, MSW Executive Director Rally Family Visitation Services	A	I agree with the premise. However, the formula seems a bit confusing and, instead just lists the counties that qualified for the different funding levels.	No response required.
13.	Superior Court of Napa County Kathleen O'Neill Family Court Program Specialist	AM	The statistics of low income, single-parent households may not reflect the number of non-custodial parents needing SV services. Additional factors may include ratios of behavioral statistics such as DV and criminal filings/substance abuse/gang activity/teen pregnancy, etc.	The committee does not propose this funding methodology option because currently there is no reliable statistical data that tracks the number of noncustodial parents needing supervised visitation services either through the California court system, or California's Access to Visitation Grant Program Data Collection and Reporting System, or the federal State Program Survey data collection system that could be used to determine the funding formula.
14.	Superior Court of Mendocino County Carol Park Family Court Services Director and Access to Visitation Grant Project Director	A		No response required.
15.	Superior Court of Santa Clara County Charmayne Moran Management Analyst	D	Historically, the Federal Poverty Line (FPL) has not been used in this grant program to determine which funding category an applicant will fall into. Is there a specific reason why the Judicial	The Judicial Council has been reviewing a number of grant funding allocation methodologies for various grant programs administered by the Administrative Office of the Courts (AOC). The

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	Commentator	Position	Comment	Committee Response
			<p>Council is proposing to use the FPL? Will there eventually be income eligibility requirements to receive the supervised visitation service funded under this grant program?</p>	<p>grant funding methodology used by the Access to Visitation Grant Program has historically been the use of county population figures to determine which funding category would apply to a given court. The proposed new funding methodology would use a combination of the number of individuals in the county whose income is below the federal poverty limit (FPL) and the number of single-parent households in the county to determine the appropriate court funding category.</p> <p>The FPL is being recommended because it may be a better indicator of the relative level of need for grant funding for any given county—these individuals below the FPL might not otherwise be able to afford supervised visitation services—and is consistent with the program goal of making services accessible to low-income families. Family Code 3204(c) also requires the court to approve sliding-scale fees based on an individual’s ability to pay.</p> <p>Additionally, there is no current intent to make income a specific eligibility requirement for individuals to receive services. Family Code section 3204(c) does require the court to approve sliding scale fees based upon an individual’s ability to pay.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Given the economic and socioeconomic diversity of many jurisdictions in California, individuals who may be <i>at or above</i> the FPL, may be, according to local poverty guidelines, considered to be living in poverty. For clarification, was there a specific reason why the Judicial Council has chosen the FPL, over local poverty guidelines?</p> <p>It not clear, based on the proposed formula definition, (1) which US Census dataset will be used to measure <i>individual</i> income levels, and (2) how the “single-parent” household variable will be defined and measured.</p>	<p>The demographic factors are being used to determine only for which funding category that courts may apply. For example, if a county had a high percentage of individuals living below FPL, it is likely to have a high percentage of individuals living below local poverty guidelines. Which of the three funding tiers a court falls into is unlikely to be sensitive to which demographic data are used (i.e., if we used different data, our results would vary significantly). Percentage below FPL is a better measure than median income because the spread around the median can be either narrow or wide, thereby inadequately identifying the share of the population that is low-income. The FPL is being recommended because it may be a better indicator of the relative level of need for grant funding for any given county—these individuals below the FPL might not otherwise be able to afford supervised visitation services—and is consistent with the program goal of making services accessible to low-income families.</p> <p>The U.S. Census data indicates percentage of county population below the FPL multiplied by county population figure. The two demographic factors propose using the U.S. Census categories of “male householder, no wife present, with own</p>

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	Commentator	Position	Comment	Committee Response
			<p>Regarding <i>individual</i> income levels, there are many types of datasets available through the US Census and each dataset is unique in terms of how personal and householder income levels are measured. It is important to distinguish the difference between <i>householder</i> and <i>individual</i> income levels, since this distinction is clearly made in the American Community Survey (ACS), the most common dataset used to measure income levels in the US for the purposes of determining state-program funding criterion. Income information from ACS is collected through census block surveys, and is surveyed regularly, but may or may not provide an appropriate representative sample of household income, especially in more rural areas.</p> <p>A more common methodology for using ACS</p>	<p>children under 18 years” and “female householder, no husband present, with own children under 18 years.” The Census defines “<i>householder</i>” as “the person, or one of the people, in whose name the home is owned, being bought, or rented” and “<i>household type</i>” as classified... according to the sex of the householder and the presence of relatives.</p> <p>Percentage below FPL is a better measure than</p>

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	Commentator	Position	Comment	Committee Response
			<p>income data to determine funding criterion is to use the <i>median household</i> income at the county level. The alternative to using ACS householder income data is the personal income measure, which is measured in the Bureau of Economic Analysis' (BEA). BEA's personal income measure, while a less common dataset used to determine funding criterion for state-funded social programs, may provide a more accurate individual income measure for specific geographic areas. In both examples, given the diversity and criteria of each dataset, the applicant may fall into one category using one particular data set, and another category if using another US Census dataset, therefore, providing specific information, regarding which US Census dataset will be used, will be helpful for competing applicants.</p> <p>Regarding how the proposed formula defines "single-parent" household, there are a variety of ways this measure can be defined using US census data, which can potentially result in very different outcomes, especially for large jurisdictions where the household composition is more diverse, than rural areas. Households can be measured by marital status, household status, or income status. Each methodology will</p>	<p>median income because the spread around the median can be either narrow or wide, thereby inadequately identifying the share of the population that is low income.</p> <p>The two demographic factors propose using the U.S. Census categories of "male householder, no wife present, with own children under 18 years" and "female householder, no husband present, with own children under 18 years." The Census defines "<i>householder</i>" as "the person, or one of the people, in whose name the home is owned, being bought, or rented" and "<i>household type</i>" as classified... according to the sex of the</p>

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	Commentator	Position	Comment	Committee Response
			yield a different result. To A precise definition of how “single-parent” household will be defined would be helpful in order to make a clear assessment of the overall impact of the proposed formula.	householder and the presence of relatives.
16.	Superior Court of El Dorado County Susan Sandoval Fiscal Services Supervisor	AM	Comparisons to different counties, especially those with urban centers, would leave many rural counties out of the running. Instead of directly comparing numbers of people, it may be more accurate to compare the percentage of the total population of the county that is single parent households, and the percentage of the total population of the county that is below the federal poverty level. The federal poverty level is also extremely low, and many families struggle to make ends meet while on an income of 200-300% of the federal poverty line. We are not sure that the federal poverty level is an accurate representation of the financial situation many clients are in who are accessing the AV program.	The formula does not determine who will be funded but rather at what dollar level the courts are eligible to receive funding. Use of the two demographic factors would not exclude any particular sized jurisdiction from eligibility for funds. While there are no demographic factors that are currently collected that would be an exact predictor of the needs for supervised visitation services, the federal poverty level provides reliable county-level data that is used in many government programs and is consistent with the statutory mandate to provide services to low-income families.
17.	Superior Court of Riverside County Carrie Snuggs Family Law & Juvenile Director	AM	Consider funding levels based on percentage of population that fall into these two categories, not just the total numbers. May also want to consider number of family law and domestic violence cases as these are directly related to the areas needing supervised visitation services.	The committee notes the suggestion but determined that the use of percentage of population that falls into these two demographic categories could lead to a county with a small number of individuals and a county with a large number of individuals being eligible for the same level of funding but the number of individuals in

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	Commentator	Position	Comment	Committee Response
				need of service would be widely varying between the two counties.
18.	Comprehensive Youth Services Lisa M. Brott, MSW, LCSW Program Manager	A		No response required.
19.	Superior Court of Butte County Kimberly Flener and Lisa Bergman CEO and Director of Family and Children's Services	AM	Somehow we need to access the need for supervised visitation, how often it is requested, recommended, ordered for each court. I think just being at a certain poverty level and single parent household does not fully capture the supervised visitation requirement.	The number of requests and orders for supervised visitation could be a result of the level of funding available for services rather than indicating the total level of need for services. The federal poverty level and single parent household factors are consistent with the approach used by the program funder and consistent with statutory mandate.
20.	Superior Court of Los Angeles County Margaret Little Senior Administrator, Family Law/ Probate/Mental Health	A		No response required.

- 3) Proposal to divide funding amounts for those courts approved for funding into three funding level categories—with the lower 1/3 of the approved courts receiving a maximum of \$45,000, the middle 1/3 receiving a maximum \$60,000, and the highest 1/3 receiving a maximum of \$100,000—based on the application of the funding methodology using the two demographic factors to determine the appropriate funding level.

	Commentator	Position	Comment	Committee Response
21.	Superior Court of Orange County Cathy Harmon, Unit Manager Family and Probate Court Services	A		No response required.
22.	Sonia E. Melara, MSW Executive Director	A		No response required.

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	Commentator	Position	Comment	Committee Response
	Rally Family Visitation Services			
23.	Superior Court of Napa County Kathleen O’Neill Family Court Program Specialist	AM	How will single versus double versus multi court collaborations be weighted in the application process?	The committee notes the suggestion and highlights that Family Code section 3204(b)(2)(A-G) criteria will continue to be used as part of the Access to Visitation Grant Program evaluation of the RFP grant applications and these criterion will be weighed through a point system. For determination of the courts grant funding amount, the committee agrees that the new funding methodology based on the two demographic factors should be used to determine the maximum amount for which each court applicant court would be eligible. The demographic factor number for courts that choose to apply jointly for funding will be determined by adding the individual county’s demographic number for each factor together and that sum will determine the joint applicants’ maximum grant dollar amount.
24.	Superior Court of Mendocino County Carol Park Family Court Services Director and Access to Visitation Grant Project Director	A		No response required.
25.	Superior Court of Santa Clara County Charmayne Moran Management Analyst	D	Clarification regarding the use of the FPL (instead of local poverty thresholds) and the precise datasets for extracting demographic data from the US census are needed in order to agree with the division of funding levels. See	See committee response to comment 15 above.

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	Commentator	Position	Comment	Committee Response
			comments 1-3 in the attached page.	
26.	Superior Court of El Dorado County Susan Sandoval Fiscal Services Supervisor	A		No response required.
27.	Superior Court of Riverside County Carrie Snuggs Family Law & Juvenile Director	AM	Same comment as #2.	The committee notes the suggestion but determined that the use of percentage of population that falls into these two demographic categories could lead to a county with a small number of individuals and a county with a large number of individuals being eligible for the same level of funding but the number of individuals in need of service would be widely varying between the two counties.
28.	Comprehensive Youth Services Lisa M. Brott, MSW, LCSW Program Manager	A		No response required.
29.	Superior Court of Butte County Kimberly Flener and Lisa Bergman CEO and Director of Family and Children's Services	A	Is this based on court size? Will there be adjustments for collaborative/multi-court programs?	The funding will not be based upon court size but the application and review process is designed to result in funding for statewide diversity in terms of county size. Courts that chose to jointly apply for funding will be grouped together based on the combined demographic number (derived from the two demographic factors).
30.	Superior Court of Los Angeles County Margaret Little Senior Administrator, Family Law/ Probate/Mental Health	AM	The huge range in the size of the populations among the counties makes it very difficult to group counties in a way that facilitates comparing the quality of the applications and the impact of the funding on service delivery.	The committee notes the suggestion but the majority of commentators propose dividing the grant funding amounts into three categories (\$45,000, \$60,000, and \$100,000), with determination of funding based on two demographic factors (the

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	Commentator	Position	Comment	Committee Response
			Dividing the counties into groups more equal in size would be an improvement. For example, divide the counties into 5 categories with awards of \$10,000, \$25,000, \$50, 000 and \$110,000.	number of single-parent households in the county and the number of individuals with income below the federal poverty level in the county). The funding levels take into account what minimally is needed to sustain a viable program (baseline of \$45,000), even for smaller jurisdictions.

4) How should any grant funds that become available when a grantee court withdraws from the program or does not spend its full grant award be distributed?

	Commentator	Position	Comment	Committee Response
31.	Superior Court of Orange County Cathy Harmon, Unit Manager Family and Probate Court Services	NI	Distribute the funds to current grantee courts through a midyear reallocation process equally to all requesting courts	The committee notes the suggestion but recommends based on the majority of comments received that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.
32.	Sonia E. Melara, MSW Executive Director Rally Family Visitation Services	NI	Distribute the funds to current grantee courts through a midyear reallocation process equally to all requesting courts	The committee notes the suggestion but recommends based on the majority of comments received that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.

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	Commentator	Position	Comment	Committee Response
33.	Superior Court of Napa County Kathleen O’Neill Family Court Program Specialist	NI	Distribute the funds to current grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding. Additional Comments: We support Option 3 (b), based on our experience receiving reallocated funding. Generally, the funding would not enough to begin a new program or have significant impact per Options 1 & 2.	Based on the majority of comments received for this option, the committee recommends that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.
34.	Superior Court of Mendocino County Carol Park Family Court Services Director and Access to Visitation Grant Project Director	NI	Distribute to the next ranking unfunded court(s) from the most recent open RFP process in the event the reallocation totals \$45,000 or more. Distribute the funds to current grantee courts through a midyear reallocation process equally to all requesting courts in the event the reallocation totals less than \$45,000.	The committee notes the suggestion but recommends based on the majority of comments received that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.
35.	Superior Court of Santa Clara County Charmayne Moran Management Analyst	NI	Distribute the funds to current grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.	Based on the majority of comments received for this option, the committee recommends that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to

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	Commentator	Position	Comment	Committee Response
				courts to submit a justification for why they should receive additional funding.
36.	Superior Court of El Dorado County Susan Sandoval Fiscal Services Supervisor	NI	Distribute to the next ranking unfunded court(s) from the most recent open RFP process.	The committee notes the suggestion but recommends based on the majority of comments received that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.
37.	Superior Court of Riverside County Carrie Snuggs Family Law & Juvenile Director	NI	Provide program planning grants to courts that do not currently have Access to Visitation Grant funding, and funding would be awarded through a competitive open RFP process. Additional Comments: RFP process should be used to distribute and additional funds. Things can change drastically so each court’s requirements can change as well. RFP process allows every court equal access to additional funds.	The committee notes the suggestion but recommends based on the majority of comments received that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.
38.	Comprehensive Youth Services Lisa M. Brott, MSW, LCSW Program Manager	NI	Distribute the funds to current grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.	Based on the majority of comments received for this option, the committee recommends that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to

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	Commentator	Position	Comment	Committee Response
				courts to submit a justification for why they should receive additional funding.
39.	Superior Court of Butte County Kimberly Flener and Lisa Bergman CEO and Director of Family and Children’s Services	NI	Distribute the funds to current grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding. Additional Comments: But it has to be done and feedback given to the grantees about why they did or didn’t meet the criteria for additional funding.	Based on the majority of comments received for this option, the committee recommends that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding. Agree. The Access to Visitation Grant Program will provide the courts with feedback regarding how the court did or did not meet the criteria for additional funding.
40.	Superior Court of Los Angeles County Margaret Little Senior Administrator, Family Law/ Probate/Mental Health	NI	Distribute the funds to current grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.	Based on the majority of comments received for this option, the committee recommends that the distribution of “excess” grant funds be given to grantee courts through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.

5) Please offer specific suggestions on how to streamline California’s Access to Visitation Grant application and review process.

	Commentator	Position	Comment	Committee Response
41.	Superior Court of Orange County Cathy Harmon, Unit Manager		Accept electronic submission of the application rather than asking courts to mail one original	The committee agreed with the recommendation and suggests that staff plan on incorporating it

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	Commentator	Position	Comment	Committee Response
	Family and Probate Court Services		and one copy.	into the RFP process.
42.	Sonia E. Melara, MSW Executive Director Rally Family Visitation Services		<p>The application process has been very clear and easy to respond. There was one year when we were asked to respond to a logic model. While the model made sense conceptually, it did not seem to have any basis for the application.</p> <p>Also, the selection criteria for the programs should be based on (in this order) track record producing results desired, past grant performance (submitting reports, invoices, spending funds) and responsiveness to the grant RFP.</p> <p>I would also suggest requiring courts who receive the funding to refer their cases to the subcontractor(s) approved under the grant.</p> <p>In addition, there should be a way to reward courts that ensure that the maximum amount of the funds go to the delivery of services. Additional consideration should be given to courts that do not charge administrative costs to the grant, and therefore dedicate the maximum funding to services.</p>	<p>The committee notes the suggestion and the Access to Visitation Grant Program staff will incorporate the suggestion and delete the requirement for submission of a logic model as part of the RFP grant application.</p> <p>The committee noted this recommendation but believes that a new program by its very nature would not have a track record and might be disadvantaged.</p> <p>The existing contract agreements with the superior courts do require that the court refer cases to the grant-related services only to the approved subcontractor.</p> <p>Agree. The existing process already takes this into account. The federal intent of the Child Access and Visitation Grant Program is that these grant funds will be used to provide direct services and this criterion is part of the RFP grant application review process. Additionally, the court and subcontractors projected budget costs are evaluated as part of the RFP review process and program costs must be determined to be</p>

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	Commentator	Position	Comment	Committee Response
				reasonable and cost-effective.
43.	Superior Court of Napa County Kathleen O’Neill Family Court Program Specialist		<ul style="list-style-type: none"> • For transparency, the members of the application/review committee should include representatives of Grantee’s (previous or current), and Providers, from both Northern and Southern regions. • How will the RFP weigh the various criteria outlined in FC §3204(b)(1)? What percentage will each be assigned? • Provide clarification verbiage specific to “Promotion and encouragement of health relationships between noncustodial parents and their children...” when FCS and professional providers are professionally neutral. • What measurable outcomes are sought by the 	<p>The committee agreed with the suggestion, which is the current practice, and will work with the Access to Visitation Grant Program to continue this practice.</p> <p>The RFP grant application criteria set forth under Family Code section 3204(b)(1) will continue to evaluate the proposals based on a set number of points and grant awards will continue to take into account the evaluative factor of the court/subcontractor history of sound program administration.</p> <p>Under Family Code section 3204(d), the statute states that the Access to Visitation Grant programs are to “achieve the goals of promoting and encouraging healthy parent and child relationships between noncustodial parents or joint custodial parents and their children while ensuring the health, safety, and welfare of the children.” The grant program will continue to meet and provide services consistent with statutory requirements. This program goal can be achieved through providing services in a neutral manner.</p> <p>Under the federal terms and conditions of the</p>

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	Commentator	Position	Comment	Committee Response
			funder?	Child Access and Visitation Grant Program, grant recipients are required to collect the required outcome measure of the number of noncustodial parents who gained increased parenting time with their children. In addition, each state makes a determination regarding whether to collect the following optional outcome measures (California does not collect these voluntary outcome measures): child support case (does the parent have a child support case); frequency of service hours; and number of noncustodial and custodial parents that gained increased knowledge of effective parenting strategies.
44.	Superior Court of Mendocino County Carol Park Family Court Services Director and Access to Visitation Grant Project Director		The Logic Model that was required as part of the application process a few years ago should be eliminated. It was more a test of excel spread sheet and computer skills than anything else. The Court IT department had to spend too much time assisting in the exercise than should be necessary for this type of RFP. The same information could be gleaned from a narrative format.	The committee notes the suggestion and the Access to Visitation Grant Program will incorporate the suggestion and delete the requirement for submission of a logic model as part of the RFP grant application.
45.	Superior Court of El Dorado County Susan Sandoval Fiscal Services Supervisor		More advance notice of application, reporting, and other required forms.	The committee agrees to incorporate the suggestion and the Access to Visitation Grant Program will publish on the California Courts website an RFP grant application timeline that includes appropriate deadlines regarding the RFP grant application process..
46.	Superior Court of Butte County		There needs to be guidance, such as workshops,	The committee agrees with the suggestion and

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	Kimberly Flener and Lisa Bergman CEO and Director of Family and Children’s Services		available for all counties to participate in that educate in AAK grant requirements, standards, expectations, reporting etc. This would allow all counties an equal opportunity to obtain the grant if they were interested.	will incorporate the continued practice by the Access to Visitation Grant Program to provide an applicants’ workshop regarding the RFP grant application and process.