



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

Title

Access to Visitation: Program Funding
Allocation for Federal Grant Fiscal Years
2015–2016 through 2017–2018

Agenda Item Type

Action Required

Effective Date

December 12, 2014

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

November 21, 2014

Recommended by

Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Contact

Shelly La Botte, Access to Visitation Grant
Program Manager
415-865-7565
shelly.labotte@jud.ca.gov

Michael Wright, Supervising Attorney
415-865-7619
michael.wright@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Access to Visitation Grant Program funding allocation and distribution of approximately \$755,000 to \$770,000 statewide for federal grant fiscal years 2015–2016 through 2017–2018, which begins on April 1 and ends on March 31. The funding allocations will be directed to 11 superior courts representing 16 counties and involving 21 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 December 12, 2014:

1. Approve the funding allocation and distribution of approximately \$755,000 to \$770,000 to the 11 superior courts for federal grant fiscal years 2015–2016 through 2017–2018 (each federal fiscal year), as set forth in Attachment A.
2. Approve the allocation and distribution to the next ranking court if any of the selected courts decline their grant award amount after the Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

Previous Council Action

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 courts statewide is approximately \$755,000 to \$770,000 for each federal fiscal year (FY) 2015–2016 through 2017–2018. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.²

To ensure that the Access to Visitation Grant Program funding is distributed to the courts in the most equitable manner, in December 2012, at the recommendation of the Family and Juvenile Law Advisory Committee, the Judicial Council approved creation of an Access to Visitation Stakeholder Workgroup charged with proposing new funding methodology options for FY 2015–2016. The working group explored ways to streamline the existing grant processes, evaluated the current funding methodology, and considered innovative alternatives that more equitably distribute funding while maintaining program objectives.

At its December 12, 2013 meeting, the Judicial Council approved a one-year continuation funding methodology for allocating FY 2014–2015 Access to Visitation Grant funding to the courts previously approved for grant funding by the Judicial Council for FY 2013–2014. The council also approved a one-year extension for the Access to Visitation Working Group tasked with proposing new funding methodology options for FY 2015–2016 and directed the Family and Juvenile Law Advisory Committee to circulate the proposed funding methodology to the

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

² Fam. Code, § 3204.

courts and key stakeholders for comments before making recommendations to the council at its April 2014 meeting. The proposed funding methodology was circulated through an invitation to comment process from February 14, 2014, through March 4, 2014.

At its April 25, 2014 meeting, the Judicial Council approved, effective FY 2015–2016, the following new funding methodology under the 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, and 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).
2. The RFP process will open up again in federal FY 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.
3. Grant funding amounts would be divided into three categories: a maximum of \$45,000, a maximum of \$60,000, and a maximum of \$100,000.
4. 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 the U.S. Census data; and (2) the number of individuals with income below the poverty level in the county, per the U.S. Census data.

Rationale for Recommendation

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The need for access to visitation services is high. The existing funding levels cannot meet the current demand for services. To ensure a fair and unbiased selection process, Judicial Council Access to Visitation Grant Program staff convened the establishment of a Grant Review Group (GRG) that included representatives of the grantee programs (previous funded) from both northern and southern regions and subject matter experts on the grant-related services. The role of the GRG was to read, score, and evaluate each grant application proposal using the scoring evaluation criteria outlined under section 4.2 and section 4.2.1 of the Access to Visitation Request for Proposal and Grant Application. Judicial Council program staff then submitted the ranking results and funding levels based upon the methodology approved by the Judicial Council on April 25, 2014, to the Family and Juvenile Law Advisory Committee for submitting recommendations to the Judicial Council.

RFP Grant Application for Fiscal Years 2015–2016 through 2017–2018

On July 21, 2014, the Judicial Council Center for Families, Children & the Courts (CFCC) released an open, competitive request for proposals (RFP) grant application for fiscal years 2015–2016 through 2017–2018 funding for Access to Visitation–related services: supervised

visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. Prior to the release of the RFP grant application, Access to Visitation Grant Program staff participated in several conference call discussions with statewide family court services directors, managers, and supervisors to prepare the courts for the open RFP process that would begin in June or July 2014.

The RFP grant application was released and posted on both the California Courts and Serranus websites on July 21, 2014. Program staff also provided four statewide applicants' teleconferences for superior courts interested in applying for federal grant funding for fiscal years 2015–2016 through 2017–2018. The purpose of the applicants' teleconferences was to provide an opportunity for courts to ask specific questions regarding the RFP grant application, grant program requirements, and terms and conditions for funding. The teleconferences were designed to be consistent with recommendations received through the new funding methodology regarding suggestions for streamlining and improving the RFP grant application processes. Additionally, courts were permitted to submit by e-mail written questions regarding the RFP grant application after closure of the applicant's workshop. Program staff posted questions and responses each week on the California Courts and Serranus websites. The deadline for the RFP grant application for fiscal years 2015–2016 through 2017–2018 was September 12, 2014.

Center for Families, Children & the Courts staff received 20 grant applications from the superior courts, which represented 27 counties and involved 35 subcontractor agencies (i.e., local court community-based service providers that will provide the direct services on behalf of the court to families). See Attachment B for a list of RFP applicant courts. The total funding request from the RFP applicant courts was \$1,449,411, and the total available statewide funds are \$755,000 to \$770,000 (subject to final federal allocation in early 2015) so the total request for funding exceeded available funds by \$679,411 to \$694,411. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for the grant fiscal year is expected to be in the range of \$928,087 to \$958,704, based upon recent funding history.³

Grant funding criteria and amounts

The grant funding categories are based upon the new methodology adopted by the Judicial Council at its April 25, 2014 meeting. Grant funding amounts will be divided into three categories: a maximum of \$45,000, a maximum \$60,000, and a maximum of \$100,000. 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.

³ The difference between the federal funding allocation and the allocation to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection and mandatory attendance at annual grant meetings required by the funder. Funds have been allocated for these statewide services since inception of the grant program in 1997.

Review and selection process

Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request for proposal process that complies with all state and federal requirements for receiving Access to Visitation Grant funds. Family Code section 3204(b)(2) provides that the grant funds shall be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria:

- Availability of services to a broad population of parties;
- Ability to expand existing services;
- Coordination with other community services;
- Hours of service delivery;
- Number of counties or regions participating;
- Overall cost-effectiveness; and
- Promotion and encouragement of healthy relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

A summary with specific details regarding the grant application review and selection process is attached to this report as Attachment C.

Comments, Alternatives Considered, and Policy Implications

This proposal was not circulated for comment. This proposal applies the funding methodology adopted by the Judicial Council at its meeting of April 25, 2014, to the applications received under an open, competitive request for proposal that was also adopted by the council at that meeting. Input was provided including a public comment period and alternatives were considered prior to the council's action at its meeting of April 25, 2014.

Implementation Requirements, Costs, and Operational Impacts

The courts are required to contribute a 20 percent nonfederal match to the allocated funding. 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 Judicial Council will execute contract agreements with the designated administering courts. 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—including all fiscal and administrative requirements—as well as grant terms set forth by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

Attachments

1. Attachment A: List of Superior Courts and Grant Award Amounts for Fiscal Years 2015–2016 through 2017–2018
2. Attachment B: Summary of RFP Grant Applicant Courts for Fiscal Years 2015–2016 through 2017–2018
3. Attachment C: Summary of RFP Grant Application Review Process for Fiscal Years 2015–2016 through 2017–2018
4. Attachment D: Family Code, section 3204

ATTACHMENT A

Judicial Council of California Center for Families, Children & the Courts

ACCESS TO VISITATION GRANT PROGRAM

List of Superior Courts and Grant Award Amounts for Fiscal Years 2015–2016, 2016–2017, and 2017–2018

Superior Courts of California	Proposed Grant Funding Allocation
Superior Court of Butte County	\$60,000
Superior Court of El Dorado County	\$ 45,000
Superior Court of Los Angeles County	\$100,000
Superior Court of Mendocino County	\$60,000
Superior Court of Mono County	\$45,000
Superior Court of Orange County *	\$25,000–\$40,000
Superior Court of San Bernardino County	\$100,000
Superior Court of San Francisco County	\$100,000
Superior Court of Shasta County	\$ 60,000
Superior Court of Tulare County	\$100,000
Superior Court of Yuba County	\$ 60,000
Total	\$755,000 to \$770,000 **

* The Superior Court of Orange County will not receive the full funding request, ranking 11th out of 11 courts that are eligible for grant funding under the application review. The actual grant funding amount for the Superior Court of Orange County will depend on final federal allocation. The recommendation is that the Superior Court of Orange County be funded at the maximum amount available once the final federal allocation is received.

** The total proposal grant funding allocation range is \$755,000 to \$770,000, which includes allocation for the Superior Court of Orange County.

**Judicial Council of California
Center for Families, Children & the Courts**

ATTACHMENT B

Summary of RFP Grant Applicant Courts for Fiscal Years 2015–2016, 2016–2017, and 2017–2018

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount	Proposed Grant Funding Allocation
1	San Bernardino	San Bernardino	1	SO	X	X			171	100,000	100,000
2	Shasta	Shasta, Trinity	2	NO	X	X	X	X	170	60,000	60,000
3	Yuba	Yuba, Sutter	2	NO	X				169	60,000	60,000
4	El Dorado	El Dorado	1	NO	X	X			167	45,000	45,000
5	Mendocino	Mendocino, Del Norte	2	BA	X	X	X		167	60,000	60,000
6	Los Angeles	Los Angeles	1	SO	X				166	100,000	100,000
7	Butte	Butte, Glenn	2	NO	X				161	60,000	60,000
8	San Francisco	San Francisco	1	BA	X	X	X		161	100,000	100,000
9	Mono	Mono	1	NO	X	X			159	51,642	45,000
10	Tulare	Tulare, Kings	2	NO	X				157	100,000	100,000
11	Orange*	Orange	1	SO	X	X			156	100,000	25,000–40,000
	Subtotal		16							\$836,642	\$755,000 to \$770,000

1	San Mateo	San Mateo	1	BA	X	X	X		155	100,000	0
2	Amador	Amador, Calaveras	2	NO	X				155	75,000	0
3	Contra Costa	Contra Costa, Alameda	2	BA	X	X			148	45,000	0
4	Santa Clara	Santa Clara	1	BA	X				148	100,000	0
5	Napa	Napa	1	BA	X	X			140	100,000	0
6	Sacramento	Sacramento	1	NO	X	X			128	60,000	0
7	San Joaquin	San Joaquin	1	NO	X	X			117	50,000	0
8	Lake	Lake	1	BA	X	X	X		114	100,000	0
9	Merced	Merced	1	BA	X	X	X	X	34	22,768.80	0
	Total		27							\$1,449,411	

* The Superior Court of Orange County will not receive the full funding request, ranking 11th out of 11 courts that are eligible for grant funding under the application review. The actual grant funding amount for the Superior Court of Orange County will depend on final federal allocation. The recommendation is that the Superior Court of Orange County be funded at the maximum amount available once the final federal allocation is received.

**Judicial Council of California
Center for Families, Children & the Courts**

ACCESS TO VISITATION GRANT PROGRAM

**Summary of Grant Review and Selection Process
for Fiscal Years 2015–2016, 2016–2017, and 2017–2018**

The Judicial Council’s Center for Families, Children & the Courts Access to Visitation Grant program staff convened the establishment of a Grant Review Group (GRG) of volunteers that included representatives of the grantee programs (previously funded) from both northern and southern regions and subject matter experts on the grant-related services who would participate in the review of the Access to Visitation Grant Program request for proposals (RFP) grant applications for fiscal years 2015–2016, 2016–2017, and 2017–2018. The role of the GRG reviewers was to read, score, and evaluate each grant application using the scoring evaluation criteria outlined under the Request for Proposal at sections 4.2 and 4.2.1. Judicial Council program staff then submitted the ranking results to the Family and Juvenile Law Advisory Committee who made funding allocation recommendations to the Judicial Council. The Judicial Council makes final decisions regarding the number and amounts of grant awards.⁴

The RFP grant application selection criteria were based on evaluation criteria set forth in Family Code sections 3204(b)(1) and (b)(2)(A–G), state and federal grant requirements, and compliance with Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). The RFP grant application and review and selection process also sought to ensure that grant funds 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.

The Judicial Council staff developed the RFP grant application based on the evaluation criteria set forth in Family Code sections 3204(b)(1) and (2), and state and federal grant reporting requirements. The RFP grant application was posted on the California Courts and Serranus websites. The deadline for the RFP grant application was September 12, 2014. Judicial Council program staff also conducted four applicants’ teleconferences to assist courts with the grant application process.

GRG reviewers were local, state, and national subject matter experts including family court services directors, professional subject matter experts from the CFCC, a former national program

⁴ Fam. Code, § 3204(b)(2).

* The Superior Court of Orange County will not receive the full funding request, ranking 11th out of 11 courts that are eligible for grant funding under the application review. The actual grant funding amount for the Superior Court of Orange County will depend on final federal allocation. The recommendation is that the Superior Court of Orange County be funded at the maximum amount available once the final federal allocation is received.

director, and community-based service providers with supervised visitation, domestic violence, and child abuse expertise. To assist GRG reviewers with the grant application process, Judicial Council staff conducted a GRG orientation teleconference prior to the review of any grant application proposals.

At least four GRG reviewers read and evaluated each grant proposal. The eight GRG reviewers were divided into two separate assigned groups based on the funding allocation cap (i.e., grant proposals eligible for \$45,000 and \$60,000 were reviewed by one group, and grant proposals eligible for \$100,000 were reviewed by the second group). **GRG reviewers did not read or score any grant application proposals from their own courts or counties.** GRG reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on any proposal submitted by their own court or county agencies. The Access to Visitation Grant Program manager and program analyst did not score any grant applications.

Each reviewer had to read, evaluate, and score 10 grant application proposals. GRG reviewers were responsible for completing a “draft” score on each proposal. These initial draft scores were to be used as a starting point when reviewers convened at the Judicial Council on September 29, 2014. The primary purpose of the in-person GRG meeting was for individual groups to come together in their assigned subgroups to discuss and generate a “group consensus score” for each grant application proposal. For each proposal, each group was responsible for creating one final application reviewer rating sheet that detailed the group’s consensus score. In the afternoon, all GRG reviewers convened to review, confer, and make final funding recommendations.

The GRG used a three-tier screening system. All grant application proposals were evaluated and scored according to a system of points, with each criterion in the RFP proposal narrative section assigned a maximum point value. GRG reviewers used both a reviewer rating sheet, with clear, quantifiable measures for evaluation and scoring of the proposals, and a rating scale to tabulate the applicant’s response to each question. The grant application proposals were ranked strictly by score. This meant that each court’s application score determined its rank. The RFP grant application proposals were evaluated and scored on a scale of 0–178 points based on the following criteria:

1. Grant application format requirements: applications must follow the required instructions outlined under sections 3.2. (10 points)
2. Grant application proposal narrative section (total of 166 points)
 - A. RFP Grant Application Cover Page (16 points)
 - B. Program Abstract (10 points)
 - C. Program Description (*total of 140 points*)
 - Statement of Need (15 points)
 - Program Service Delivery (75 points)
 - Program Evaluation (10 points)
 - Program Monitoring (10 points)

- Program Sustainability (10 points)
- Budget (20 points)

3. RFP Grant Application Bonus points (2 points)

Additionally, the RFP grant application stated that the GRG would evaluate each proposal based on the following values and principles:

- Overall responsiveness to each question;
- Efficient use of funds;
- Program services that reach the greatest number of families to be served;
- Programs with a demonstrated history of sound fiscal management and administration;
- Evidence of strong court and community support and collaboration; and
- Programs that maximize grant resources for overall cost effectiveness.

While no points were awarded for these evaluative factors, grant decisions sought to ensure that the program goals represent statewide geographical diversity in service delivery, including population and court size.

**Judicial Council of California
Center for Families, Children & the Courts**

ACCESS TO VISITATION GRANT PROGRAM

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 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.