



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

March 3, 2014

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

Mr. Gregory P. Schmidt
Secretary of the Senate
California State Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

*Re: California's Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014):
2014 Report to the Legislature*

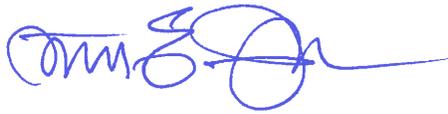
Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Attached is the Judicial Council report required under Family Code 3204(d) regarding California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. The report includes information on the Access to Visitation Grant programs funded for fiscal years 2012–2013 and 2013–2014 and whether and to what extent those programs are achieving their goals. Such goals include promoting and encouraging healthy parent and child relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of children. The report contains no formal recommendations.

Ms. Diane F. Boyer-Vine
Mr. Gregory P. Schmidt
Mr. E. Dotson Wilson
March 3, 2014
Page 2

If you have any questions related to this report, please contact Diane Nunn, Director, Administrative Office of the Courts (AOC) Center for Families, Children & the Courts, at 415-865-7689.

Very truly yours,



Steven Jahr
Administrative Director of the Courts

SJ/SLB/icb

Attachments

cc: Ms. Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Darrell Steinberg
Ms. Fredericka McGee, Deputy Chief of Staff/General Counsel, Office of Assembly Speaker John A. Perez
Ms. Tina McGee, Executive Secretary, Legislative Analyst's Office
Mr. Jay Sturges, Principal Program Budget Analyst, Department of Finance
Ms. Madelyn McClain, Program Budget Analyst, Department of Finance
Ms. Peggy Collins, Principal Consultant, Joint Legislative Budget Committee
Ms. Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee
Mr. Matt Osterli, Consultant, Senate Republican Policy and Fiscal Office
Mr. Marvin Deon, Consultant, Assembly Budget Committee
Mr. Allan Cooper, Consultant, Assembly Republican Policy and Fiscal Office
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
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Mr. Benjamin Palmer, Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Policy Office
Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Policy and Fiscal Office
Mr. Peter Allen, Senior Manager, AOC Office of Communications
Mr. Cory T. Jaspersen, Director, AOC Office of Governmental Affairs
Ms. Yvette Casillas-Sarcos, AOC Office of Governmental Affairs
Ms. Diane Nunn, Director, AOC Center for Families, Children & the Courts (CFCC)
Ms. Charlene Depner, Assistant Director, AOC CFCC
Ms. Nancy Taylor, Manager, AOC CFCC
Mr. Michael L. Wright, Supervising Attorney, AOC CFCC



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STEVEN JAHR
Administrative Director of the Courts

March 3, 2014

Report Title: *California's Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014): 2014 Report to the Legislature*

Statutory Citation: Family Code section 3204(d)

Date of report: March 1, 2014

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

The Judicial Council is charged with administering and distributing California's share of federal Child Access and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.¹ These grants are established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104–193 (Aug. 22, 1996) 110 Stat. 2258) and enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. 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 funding allocation to states is based on the number of single-parent households. On February 25, 2011, the Judicial Council approved fiscal years 2011–2012 and 2012–2013 funding to 12 superior courts for California's Access to Visitation Grant Program and on February 26, 2013, the Judicial Council approved fiscal year 2013–2014 funding to 11 superior courts for this program.

¹ Fam. Code § 3204(a).

The report provides the Legislature with information on the local programs funded in fiscal years 2012–2013 and 2013–2014 under California’s Access to Visitation Grant Program, including whether and to what extent those programs are achieving their goals. Such goals include promoting and encouraging healthy parent and child relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of children. The report also provides a snapshot of the number and demographics of clients served by the statewide program during the grant funding period. The report contains no formal recommendations.

The full report can be accessed here: www.courts.ca.gov/7466.htm.

A printed copy of the report may be obtained by calling 415-865-7739.

California's Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014)

2014 REPORT TO THE LEGISLATURE



ADMINISTRATIVE OFFICE
OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

CENTER FOR FAMILIES, CHILDREN & THE COURTS

California's Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014)

MARCH 2014



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

This report is available on the California Courts website:

<http://www.courts.ca.gov>

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

Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688
cfcc@jud.ca.gov
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Charlene Depner
Assistant Director

Nancy Taylor
Manager

Michael L. Wright
Supervising Attorney

Shelly La Botte
Primary Author of Report

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Introduction

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. 104–193 (Aug. 22, 1996) 110 Stat. 2105) and to award this funding to the superior courts throughout California.¹

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

report to the Legislature on the [Access to Visitation] programs funded . . . and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children.

This report provides the Legislature with information on the programs funded for fiscal years 2012–2013 and 2013–2014 under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.² The report also provides a snapshot of the number and demographics of clients served by the program during the grant funding period.

While the report makes no formal recommendations, the existing inadequacy of program funding to ensure accessible services statewide is an ongoing challenge. The need for access to visitation services is high, and current funding levels cannot meet the demand for services.

Background

The Judicial Council is charged with administering and distributing California’s share of federal Child Access and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.³ These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. 104–193 (Aug. 22, 1996) 110 Stat. 2258), enable states to establish and administer programs that support and facilitate

¹ Fam. Code § 3204(a).

² All references to fiscal year refer to the grant federal fiscal year unless otherwise indicated. Prior to 2007 the grant federal fiscal year was October 1 through September 30; 2007-2008 the grant federal fiscal year was October 1 through June 30; 2008-2009 the grant federal fiscal year was July 1, 2008 through March 31, 2009; 2009-2010 to present the grant federal fiscal year was April 1 through March 31.

³ *Ibid.*

noncustodial parents' access to and visitation with their children. On February 25, 2011, the Judicial Council approved fiscal years 2011–2012 and 2012–2013 funding to 12 superior courts for California's Access to Visitation Grant Program; on February 26, 2013, the Judicial Council approved fiscal year 2013–2014 funding to 11 superior courts for California's Access to Visitation Grant Program.

Federal and State Program Goals

Congress' stated goal of the Child Access and Visitation Grant Program is to "remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become more involved in their children's lives."⁴ Under the federal statute, Child Access and Visitation Grant funds may be used to:

support and facilitate noncustodial parents' access to and visitation [with] their children by means of activities including mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision and neutral drop-off and pick-up), and development of guidelines for visitation and alternative custody arrangements.⁵

The use of the funds in California, however, is limited by state statute to three types of programs:⁶

- Supervised visitation and exchange services;
- Education about protecting children during family disruption; and
- Group counseling services for parents and children.

The primary goals of California's Access to Visitation Grant Program are (1) to enable parents and children to participate in supervised visitation, education, and group counseling programs—irrespective of the parents' marital status and whether the parties are currently living separately permanently or temporarily,⁷ and (2) to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the children's health, safety, and welfare.⁸ The overarching policy goal of the grant program has been to ensure accessible and available services statewide for low-income families with children whose custody and visitation issues are now or have been before the family courts.

⁴ 42 U.S.C. § 669b.

⁵ *Ibid.*

⁶ Fam. Code § 3204(b)(1).

⁷ *Id.* at § 3203.

⁸ *Id.* at § 3204(d).

Funding Allocation to States

Funding allocations to states are based on the number of single-parent households.⁹ California receives the maximum amount of eligible funds (approximately \$940,000), which represents less than 10 percent of the total national funding. California is required under the grant to provide a 10 percent state match share. The Access to Visitation Grant Program courts and their subcontractors are required to provide a 20 percent (nonfederal) funding match. The match by the courts/subcontractors is intended to help supplement their federal grant funds and support long-term program growth (e.g., by seeking or leveraging private sector resources and foundation support).

The funding period for fiscal years 2012–2013 and 2013–2014 began on April 1 and ends on March 31 of each fiscal year (FY). The federal funding allocation to the state of California for FY 2012–2013 (federal FY 2012) was \$944,475, and the funding allocation for FY 2013–2014 (federal FY 2013) was \$958,704.¹⁰ In February 2011 and February 2013, the Judicial Council approved grant funding allocation and distribution of approximately \$770,000 statewide for the multiyear grant funding period fiscal years 2011–2012 and 2012–2013 and FY 2013–2014.¹¹

Grant Funding Eligibility

Family courts throughout California are eligible to apply for and receive Access to Visitation Grant funds, which are 100 percent federal funds. Under the state's allocation process, the grants are awarded to the superior courts through a statewide request-for-proposals grant application procedure. The family law divisions of the superior courts are required to administer the programs. Applicants are strongly encouraged to involve multiple courts and counties in their proposed programs and to designate one court as the lead or administering court. Service provider agencies that wish to participate are not allowed to apply directly for these grant funds, but instead must do so as part of that court's Access to Visitation Grant application. Contract agreements are made only with the designated superior court.

Eligible Grant Recipients of Services

The recipients of Access to Visitation grant-related services are low-income separated, separating, divorced, or unmarried parents and their children who are involved in custody and visitation proceedings under the Family Code. Grant funds can be used only to serve

⁹ The statistical data used to determine the formulaic distribution of funding to the states is based on the U.S. Census. Funding allocation formula is based on the number of single-parent households.

¹⁰ *Ibid.*

¹¹ The difference between the federal funding allocation to the state and the \$770,000 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection. Funds have been allocated for these statewide services since inception of the grant program in 1997.

noncustodial parents (i.e., noncustodial fathers and/or noncustodial mothers).¹²

Grant Award Funding Cap

California's funding allocation formula, or funding cap, is based on county population size. The funding cap was adopted and approved by the Judicial Council in fiscal year 2003–2004. The following are the maximum grant amounts for which courts may apply:

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

Midyear Reallocation

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

Program Administration

During fiscal years 1997–1998 through 2000–2001, the California Department of Social Services (CDSS) was the lead agency and applicant for the federal grant funds. The administration of these funds was based on an interagency agreement between CDSS and the Judicial Council. Beginning in fiscal year 2000–2001, the Judicial Council was charged with overall responsibility for administering Access to Visitation Grant Program funds under Family Code section 3204(a).

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

¹² Supervised visitation and exchange services are for noncustodial parents (not custodial parents, grandparents, distant relatives, etc.). According to the federal goal of the grant program, the Child Access and Visitation Grant Program is intended to increase opportunities for *biological parents who are not living in the same household as their children* to become involved in their children's lives.

Grant Service Areas

Family Code section 3204(b)(1) provides that the grant funds shall be used to fund supervised visitation and exchange services, education about protecting children during family disruption, and group counseling services for parents and children.

For purposes of California's Access to Visitation Grant Program, supervised visitation is defined as "visitation between a noncustodial party and one or more children in the presence of a neutral third person." Supervised exchange service is defined as "the supervision of the transfer of the child from one parent to another for the purpose of visitation."¹³

Under Family Code section 3202(a), all supervised visitation and exchange programs must comply with all requirements of the uniform standards of practice for providers of supervised visitation set forth in standard 5.20 of the California Standards of Judicial Administration. Additionally, effective January 1, 2013, section 3200.5 was added to the Family Code and requires professional providers of supervised visitation to meet qualification and training requirements.

California law provides guidance on educational program activities related to protecting children during family disruption. This guidance includes education on parenting skills and the impact of parental conflict on children, ways to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.¹⁴

Group counseling services under the grant may include services for children as well as services for parents involved in child custody or visitation disputes regardless of marital status. The criteria for what constitutes an "eligible provider" for the purpose of providing supervised visitation and exchange services, education, and group counseling are outlined in the state statute.¹⁵

Promotion and Encouragement of Healthy Parent-Child Relationships

California's Access to Visitation Grant Program has been instrumental in providing opportunities for noncustodial parents to establish healthy and positive relationships with their children. The grant-related services promote and encourage healthy parent-child relationships by improving parents' compliance with court orders, facilitating contact between noncustodial parents and their children, teaching parents effective conflict resolution and communication skills for problem solving, and allowing opportunities for noncustodial parents and their children to maintain continued contact through safe and

¹³ Judicial Council of Cal., Admin. Off. of Cts., *Data Collection and Reporting System Handbook, Access to Visitation Grant Program*, version 2 (2004), p. F-9.

¹⁴ Fam. Code § 3201(b).

¹⁵ *Id.* at § 3202(b)(2).

secure supervised visitation and exchange services administered by trained skilled professionals.

The grant further supports the goals of access to visitation program services by:

- Increasing opportunities for noncustodial parents to maintain a relationship with their children;
- Developing positive and effective parenting relationships;
- Establishing centrally located services so families have the opportunity to maintain family bonds, when appropriate;
- Providing a structured setting in which the parent-child contact is monitored and potential risks of abuse or violence are reduced; and
- Increasing the likelihood of financial support for children (i.e., increased child support payments).

Parent Education Programs

Parent education programs promote noncustodial parent access and visitation with their children by learning how to put parenting agreements into effect that encourage and promote the best interest of their children. The grant program helps parents to develop healthy parent-child relationships, an understanding of how divorce and separation affect their children, and what they can do to make the situation easier for their children. These programs also help parents recognize and address the emotional consequences of separation and divorce by learning techniques and strategies for communicating with their child. The Access to Visitation parent education programs have also helped noncustodial parents learn to identify and communicate their feelings and experiences about the divorce or separation, talk about changes in the family, understand the basic legal process of separation and divorce and custody decision-making, and use constructive methods for dealing with difficult situations.

Rebuilding and sustaining healthy parent-child relationships and providing opportunities for noncustodial parents to become more involved in their lives of their children, where appropriate, remain the focus of the grant program.

Program Monitoring

According to federal statute, states are required to annually monitor, evaluate, and report on programs funded through the grant in accordance with regulations prescribed by the Secretary of the Department of Health and Human Services (45 C.F.R. § 303.109 (1997)). California's Access to Visitation Grant Program draws on multiple resources and methods to monitor grantee programs. These resources include feedback from the courts, clients, community stakeholders, and service providers at local, regional, and state levels. Monitoring methods include site visits to county-court programs and nonprofit agencies to ensure the programs' compliance with state and federal grant requirements,

questionnaires submitted to service providers, focus group and regional meetings (including an annual program administrators meeting and grantee orientation), and data collection and document analysis. Many of the grantees use client feedback surveys and questionnaires to assess the effectiveness of their service delivery.

In addition, all grantees are required to submit quarterly statistical data reports using California's Access to Visitation Grant Program Data Collection and Reporting System. The data collection system complies with state and federal grant reporting requirements. These reports provide information about the families served by the program. In addition to the quarterly statistical reports, grantees provide a biannual progress summary report that gives a thorough and accurate account of project activities and progress during the required reporting time period.

Furthermore, California's Access to Visitation Grant Program staff work closely with grantees to evaluate how effectively the funded programs are meeting the objectives of providing safe access for children and their parents. Grant program staff use a computer program logic model for qualitative and quantitative data in system evaluation. Feedback from this system is used to identify program strengths and weaknesses and to improve overall service delivery.

Grant Programs Funded for Fiscal Years 2012–2013 and 2013–2014

RFP Grant Application for FY 2011–2012 and 2012–2013¹⁶

In September 2010, CFCC released an RFP grant application for multiyear funding for fiscal years 2011–2012 and 2012–2013 and a RFP grant application for one year continuation funding for FY 2013–2014.

Courts awarded grant funding for FY 2012–2013 are listed in Appendix A of this report.

In December 2012, the Judicial Council approved a one-year continuation Access to Visitation grant funding allocation methodology for the grant period of April 1, 2013, through March 31, 2014 (i.e., FY 2013–2014). Fiscal year 2013–2014 funding was limited to current grant recipient programs that were previously approved by the Judicial Council for fiscal years 2011–2012 and 2012–2013 and those eligible courts completed a simplified request for application process for continuation funding. Courts awarded grant funding for FY 2013–2014 are listed in Appendix A of this report.

¹⁶ CFCC released a RFP grant application for fiscal years 2011–2012 and 2012–2013 for multiyear funding and one-year funding for fiscal year 2013–2014.

RFP Grant Review Process

The Judicial Council is required to determine the final number and amounts of grants.¹⁷ 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, as follows:

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

To ensure a fair and unbiased selection process, the council's Family and Juvenile Law Advisory Committee approved the establishment of a selection review committee (SRC). The role of the SRC was to read, review, evaluate, and score the grant application proposals; generate an average score, rank, and recommendation for each proposal; and submit its funding recommendations to the Family and Juvenile Law Advisory Committee for review and approval and for submission to the Judicial Council for final determination.

SRC reviewers were experts representing members of the advisory committee, professional subject-matter experts from CFCC, and several community-based service providers with supervised visitation and domestic violence expertise. All SRC reviewers participated in an orientation teleconference that was designed to:

- Provide reviewers with an overview of the review and selection process;
- Discuss the role and responsibility of SRC reviewers;
- Review the application reviewer rating sheet and evaluation criteria; and
- Address specific questions before review of the grant application proposals.

Additionally, SRC reviewers did not read or score grant application proposals from their own respective courts or counties. SRC reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on proposals

¹⁷ Fam. Code § 3204(b)(2).

submitted by their court or county agencies or organizations.¹⁸ Furthermore, the Access to Visitation Grant Program manager and analyst did not score any grant application proposals.

Consistent with the directives of Family Code section 3204(b)(1) and (b)(2) and state and federal grant requirements, the funding recommendations will continue to support the goals of the grant program to have services available to a broad population of parents; represent statewide geographical diversity in service delivery; include programs encompassing regions or multiple counties; offer a range of services; and ensure overall cost-effectiveness.

RFP Grant Application for FY 2013–2014

In December 2012, the Judicial Council approved a one-year continuation Access to Visitation grant funding allocation methodology for the grant period of April 1, 2013 through March 31, 2014 (i.e., fiscal year 2013–2014). Fiscal year 2013–2014 funding was limited to current grant recipient programs that were previously approved by the Judicial Council for fiscal years 2011–2012 and 2012–2013 and those eligible courts completed a simplified request for application process for continuation funding. Courts awarded grant funding for fiscal year 2013–2014 are listed in Appendix A of this report.

Access to Visitation Grant Data Collection: Program Service Delivery

Federal and State Grant Reporting Requirements

Under section 469B(e)(3) of the Social Security Act, as added by section 391 of the PRWORA, states are required to monitor, evaluate, and report on programs funded through Child Access and Visitation grants.¹⁹ The purpose of this data requirement is to provide information to Congress on the progress of services provided under the Child Access and Visitation Grant Program, the goal of which is to “support and facilitate noncustodial parents’ access to and visitation with their children.”²⁰

Each state is required to collect and submit an annual report including two types of data:

¹⁸ To avoid the perception of a conflict of interest and to ensure an unbiased review of the grant application proposals, each SRC reviewer was asked to certify through the *Confidentiality and Conflict of Interest Form* that as an SRC reviewer he or she did not participate as a recipient official who personally assisted in developing, drafting, or reviewing any grant proposal submitted.

¹⁹ 45 CFR Part 303—Standards for Program Operations,
http://www.acf.hhs.gov/programs/cse/access_visitation/regulation.htm.

²⁰ State Child Access Program Survey: Guidance to States for Program Reporting,
http://www.acf.hhs.gov/programs/cse/access_visitation/guidance.pdf.

- *Program descriptions*, including service providers and administrators, service area, population served, program goals, referral process, voluntary or mandatory nature of the programs, types of activities, and length and features of the program; and
- *Participant characteristics*, including the number of referrals for each program, the number of participating individuals, and the number of persons who have completed program requirements through authorized activities.²¹

Grant recipients are required to collect data on one mandatory federal outcome measure: increased noncustodial parents' time with children. This is defined as "an increase in the number of hours, days, weekends, and/or holidays as compared to parenting time prior to the provision of access and visitation services."²²

Additionally, effective FY 2013, two new data elements were added by the federal Office of Child Support Enforcement Child Access and Visitation Grant Program. One of the new data requirements, domestic violence safeguards, is mandatory for states, while the other data element, increased knowledge of effective co-parenting strategies for parent education services, is voluntary for states to collect. California is only collecting the mandatory data elements.

The mandatory requirement for domestic violence safeguards for clients served under the Access to Visitation Grant Program is reported to OCSE through their data collection system as a narrative report. For California, all grant recipient courts and their local subcontractors (i.e., local service providers) are required by statute to follow Standard 5.20 of the California Standards of Judicial Administration, which includes safety and security procedures and practices that help ensure the safety and protection of parents and children served. In addition, the various grant recipient courts and supervised visitation programs have their own screening processes and protocols for ensuring safety and protection of domestic violence victims and their children.

The AOC contract agreement with the superior courts and the courts subsequent Memorandum of Understanding (MOU) agreement with their local service providers require that personal safeguards are in place for families served under the grant. The grant program also requires the local service provider to provide a description of how they ensure the safety and protection of domestic violence victims and their children through the grant program and whether the agency adheres to a specific family violence or domestic violence protocol, and, if so, to specify the protocol that is used by the court or subcontractor.

²¹ *Ibid.*

²² *Ibid.*

California's Access to Visitation Data Collection and Reporting System

The Access to Visitation Grant Program changed its data collection efforts in fiscal year 2003–2004 to provide an automated data collection system that more effectively tracks and collects specific data unique to the program services administered under California's Access and Visitation Grant Program. Under the new system, the state data collection system now allows comparisons of local programs and services across the state in a uniform, standardized manner. The data collection and reporting system does not require local programs to interpret any of the data elements because each data element is predefined. Most important, the new data system consolidates federal and state grant reporting requirements.

California's data collection system consists of the following elements:

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

Client Information

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

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

Visitation Grant Program Data Collection and Reporting System and the data collection requirement, the family is the unit of analysis.

All Access to Visitation Grant programs must report the following federally required data elements: referral sources, client information, marital status, race/ethnicity, income, service provided, and increased parenting time.

Children of Clients Served

The number of children reported is the number of children who are listed in the court order or are identified to be supervised or who attended a parent education or group counseling session. However, this number does not represent the total number of children in the family.

Services Provided to Clients

Funding for California's Access to Visitation Grant Program is restricted by state statute to supervised visitation and exchange services, parent education, and group counseling services. All grantee programs, past and present, have made supervised visitation services the highest funding priority service area. As reported by the grantees, many courts and subcontractors are unable to offer certain program services because of funding limitations, resources, constraints on facility space, or adequate staffing. Very few programs offered group counseling and parent education services to noncustodial parents.

This data reflects only the number of custodial parents and noncustodial parents (NCPs) that received direct service for each type of service area (e.g., for families receiving supervised visitation, only the NCP parent in the family is included in counts). Therefore, the numbers in this column will not equal the total number of parents reported in the client information column because not all parents received direct services. Each column count under services provided is a unique, unduplicated count of the number of direct service recipients. Note that if a parent received more than one type of service (e.g., received both parent education and supervised visitation), he or she is included in the count for each one; therefore, duplication occurs across these columns but not within each column.

The data counts in the "services provided" columns reflect the number of parents receiving each type of service and do not take frequency of service delivery into consideration. For example, if a specific site offered one-to-one supervised visitation to four families every week for the past nine weeks, the count in the column would be "4." While 36 sessions or "units of service" in fact occurred, this column reflects strictly a count of the number of unique parents using this service. It is important to note that the services provided in California are not continuous and that most of families served under the grant program receive multiple services throughout the grant year.

As part of California's data collection and reporting system, collection of the number of direct service hours is being collected by grant recipients to give a more accurate and complete count of the volume of service delivered, as well as the time and resources needed to provide each type of program service.

Marital Status

This data element refers to the marital status between the two parents at the time of entry into the program. In fiscal year 2004–2005, both the federal and state programs revised the marital status question on the survey to define *marital status* as the legal relationship between the child's parents. California ensured accurate data for this variable by also defining each response option directly on the survey forms.

Race/Ethnicity/Income

These data variables refer to the number of parents who self-identified their race/ethnicity or income level, or both, when entering the program. Local programs were also given guidance on how to collect parents' "don't know" responses and responses "left blank." from parents. When a parent refuses to answer a question, this field should be left blank in the database. If a parent does not know the answer to the question, the response should be noted as "don't know".

It is important to point out that all demographic variables are self-reported, which could lead to various interpretations of the questions and the response options (e.g., marital status). For instance, under the category of income, data may be missing because in some programs, respondents may not feel comfortable disclosing sensitive information (such as income) and because social needs and attitudes may bias responses.

Referral Source

The data required for the federal report are collected by custodial and noncustodial parents and are reported as such, with the exception of the referral source. Because California asks this question of each family and not of each parent, the total number of responses should equal the total number of *families*, not the number of parents. The count in this column refers to the way in which the family was referred to the services.

This data variable is collected based on the family rather than on individuals because most referrals under the Access to Visitation Grant Program come directly from the court, and the referral includes all family issues (versus a separate referral for each parent or child). While there may be different reasons why each individual is receiving services, the mechanism that brought the family to the service delivery agency applies to both parents. The data system also collects information pertaining to the reasons for referral.

Outcome Data

This data variable is collected as required by the federal OMB survey. The number of incidents of “increased parenting time with children” is the unique number of noncustodial parents who received either supervised visitation or exchange services, and this is counted only once. For instance, if a parent received *both* supervised visitation and exchange services, this would not be counted twice.

Summary

Various factors contribute to the counts represented in the California Access to Visitation Grant Program Data Collection and Reporting System. First, all grant recipients are required to collect data in a uniform, standardized manner so programs cannot misinterpret or inaccurately report the mandated data elements. Second, only parents who receive direct services are included in the data report. Third, the nature of the services offered in California does not allow for duplicate counts; families usually come in for only one type of service. Therefore, this makes California’s statistics appear low in comparison with other states’ Access to Visitation programs. Lastly, California does not count multiple visits for all program services for there are no duplications of families in the data collection report.

Table 1 is the state of California’s summary of the Access to Visitation grant program data for the federal FY 2012 (i.e., October 1, 2011, through September 30, 2012) and Table 2 highlights California’s grant program data for federal FY 2013 (i.e., October 1, 2012, through September 30, 2013). Please see the important notes in Table 2 that highlight programmatic issues during the federal fiscal years 2010 and 2011 that impact the overall data numbers and clients served under California’s grant program.

Table 1. Summary of AV Program Data: October 1, 2011–September 30, 2012

1. Clients Served

(Total Number of Clients = fathers + mothers + grandparents/legal guardians. Count each person served only once.)

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Custodial Fathers	No. of Noncustodial Mothers	No. of Custodial Mothers	No. of Grandparents & Legal Guardians
1,472	509	211	229	488	35

2. Children of Clients Served

(Total Number of Children Involved = number of children of biological parents and those under the care of grandparents and/or legal guardians.)

Total Number of Children in Common
1,227

3. Services Provided to Clients

(Report the total number of clients who received services under each category; some clients may have received more than one service; clients should only be counted once under each service category; the frequency of service is not to be reported.)

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	130	156	1,242	0

4. Marital Status Between Biological Parents

(Marital status between biological parents only; do not report marital status of grandparents or legal guardians.)

Never Married to Each Other	Married to Each Other	Separated from Each Other	Divorced from Each Other	Data Not Reported
701	0	354	359	23

5. Annual Income

(Information for each client served: parents, grandparents, and legal guardians.)

Less than \$10,000	\$10,000 to \$19,999	\$20,000 to \$29,999	\$30,000 to \$39,999	\$40,000 & Above	Data Not Reported
667	275	139	89	158	144

6. Race/Ethnicity

(Information for each client served: parents, grandparents, and legal guardians.)

American Indian or Alaska Native	Asian	Black or African-American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races	Data Not Reported
23	52	91	463	21	689	94	39

7. Source of Client Referrals to Services

(Information for each client served: parents, grandparents, and legal guardians.)

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
5	1,429	9	0	0	22	7

8. Outcome Data

(Provide information for biological parents only.)

Number of NCPs Who Gained Increased Parenting Time with Children
NCP mothers: 211
NCP fathers: 477

Table 2. Summary of AV Program Data: October 1, 2012–September 30, 2013

1. Clients Served

(Total Number of Clients = fathers + mothers+ grandparents/legal guardians.
Count each person served only once.)

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Custodial Fathers	No. of Noncustodial Mothers	No. of Custodial Mothers	No. of Grandparents & Legal Guardians
1,184	434	150	179	404	17

2. Children of Clients Served

(Total Number of Children Involved = number of children of biological parents and those under the care of grandparents and/or legal guardians.)

Total Number of Children in Common
970

3. Services Provided to Clients

(Report the total number of clients who received services under each category; some clients may have received more than one service; clients should only be counted once under each service category; the frequency of service is not to be reported.)

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	66	130	1,000	0

4. Marital Status Between Biological Parents

(Marital status between biological parents only; do not report marital status of grandparents or legal guardians.)

Never Married to Each Other	Married to Each Other	Separated from Each Other	Divorced from Each Other	Data Not Reported
543	0	290	292	42

5. Annual Income

(Information for each client served: parents, grandparents, and legal guardians.)

Less than \$10,000	\$10,000 to \$19,999	\$20,000 to \$29,999	\$30,000 to \$39,999	\$40,000 & Above	Data Not Reported
481	218	131	79	121	154

6. Race/Ethnicity

(Information for each client served: parents, grandparents, and legal guardians.)

American Indian or Alaska Native	Asian	Black or African-American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races	Data Not Reported
19	60	82	404	10	500	73	36

7. Source of Client Referrals to Services

(Information for each client served: parents, grandparents, and legal guardians.)

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
6	1,138	7	1	0	11	21

8. Outcome Data

(Provide information for biological parents only.)

Number of NCPs Who Gained Increased Parenting Time with Children
NCP mothers: 179
NCP fathers: 434

Important Note 1

The federal data reporting period is October 1 through September 30 of each data reporting year. The budget funding cycle is April 1 through March 31 of each budget year. Therefore, the data collection period spans part of two budget years (October 1 through March 31 of the preceding budget year and April 1 through September 30 of the current budget year). It is important to note that there is often a gap in service delivery by the applicant courts and their local service providers until each court receives their AOC contract agreement for the appropriate fiscal year. As such, this temporary suspension of services affects the overall data numbers for the reporting fiscal year.

Important Note 2

California's Access to Visitation Grant Program shifted the funding priority from continuation/existing programs, effective fiscal year 2010–2011. This funding shift from continuation/existing programs to allow for an open RFP process permitted new superior courts statewide to apply for the grant funds. This change also resulted in a shift of the geographic areas served under the grant. For example, in fiscal year 2012–2013 funding, this shift resulted in a decrease in the number of courts representing larger, urban areas and an increase in more rural communities which impacts the overall number of clients served based on population size. Additionally, for FY 2013–2014, several courts lost their existing local service provider (e.g., nonprofit agency closed down) and had to seek a new subcontractor (local service providers) during the grant funding cycle. Thus, this resulted in temporary suspension of services for those grant recipient courts. Moreover, effective January 1, 2013, section 3200.5 was added to the Family Code relating to qualifications and training requirements for professional providers of supervised

visitation. This new statutory requirement created a delay in service delivery for some court subcontractors with newly hired staff.

Hours of Service Delivery

The number of service delivery hours from grant recipient service providers is highlighted in Table 3. The methodology for counting the time spent on various services varies depending on the service type. The hours indicated in Table 3 under supervised visitation include only the time of the actual supervised visitation contact between the noncustodial parent and child; it does not include transition time or other essential program components, such as time spent on intake, orientation, or administrative tasks. However, the hours indicated for supervised exchanges do include the total time spent during each exchange session, including the time that staff spent waiting for the parent to arrive. The reporting of service hours for parent education and group counseling services is based on the time spent providing services in a group setting. For each session, programs complete a summary form that captures the number of noncustodial and custodial parents, the number of families served, the number of sessions held, and the hours spent providing the service for each type of group session.

The hours of service delivery are collected and reported by the State of California to provide a more accurate picture of overall service delivery by grant recipient courts and their local service providers. For instance, supervised visitation and exchange services require more time of program staff and time spent with the parents (e.g., visitation sessions over a longer period of time) because these services are more intensive versus parent education services which are often provided in a single workshop completed at the end of the class. The parent education class/workshop and visitation session is counted once by the data collection requirement; however, the noncustodial parents in supervised visitation receive numerous hours of visitation with their child.

Table 3. Number of Service Delivery Hours

California Grant Service Areas	California October 1, 2011 through September 30, 2012	California October 1, 2012 through September 30, 2013
Group counseling	0	0
Parent education	180.00	126.00
Supervised exchange	1,229.00	1,133.00
Supervised visitation	11,570.00	8,616.00
Total service hours	12,988.00	9,875.00

Conclusion

Despite the many accomplishments of California's Access to Visitation Grant Program and the tireless efforts of the courts and subcontractors to identify and secure additional funding to support their services, inadequate funding continues to impede their ability to maintain current service delivery levels. The reduction of "access to services" means that the courts, together with their subcontractors, must struggle to meet the ever-increasing demand for services, the ever-increasing needs of families for *subsidized* financial assistance, and the limitations on affordable, available, and accessible services statewide. To help address these statewide needs and challenges, the Access to Visitation Grant Program manager is working closely as the judicial branch liaison with the newly established California Association of Supervised Visitation Service Providers (CASVSP). The mission of CASVSP is to represent, assist, promote, and support the delivery of supervised visitation services through quality leadership, training, collaborative partnerships, and compliance with professional standards of conduct and best practices (www.casvsp.org).

The Access to Visitation Grant Program will continue to actively seek diverse supplementary funding while ensuring the administration and operation of high-quality program services, to address programmatic challenges, and to enhance service delivery for all California families receiving access to visitation services.

Appendix A

Superior Courts Awarded Grant Funding in Fiscal Year 2012–2013

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Regional Area*	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Grant Award Allocation
1	Butte	Butte and Glenn	2	1	NO	X				\$60,000
2	Contra Costa	Contra Costa and Alameda	2	1	BA	X	X			\$100,000
3	El Dorado	El Dorado and Alpine	2	1	NO	X	X			\$42,192
4	Lassen	Lassen	1	1	NO	X				\$29,564
5	Mendocino	Mendocino and Del Norte	2	2	BA	X		X		\$42,773
6	Napa	Napa	1	1	BA	X	X			\$59,741
7	Orange	Orange	1	2	SO	X	X			\$99,515
8	Sacramento	Sacramento	1	4	NO	X				\$32,000
9	San Francisco	San Francisco and Marin	2	2	BA	X	X	X		\$100,000
10	Santa Clara	Santa Clara	1	1	BA	X				\$97,398
11	Tulare	Tulare and Kings	2	1	NO	X				\$60,000
12	Yuba	Yuba and Sutter	2	1	NO	X				\$41,222
	Subtotal	19	19	18						\$764,405

*Abbreviation key for AOC regions: NO–Northern/Central Region; BA–Bay Area/Northern Coastal Region; SO–Southern Region.

Superior Courts Awarded Grant Funding in Fiscal Year 2013–2014

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Region Service Area*	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Grant Award Allocation
1	Butte**	Butte and Glenn	2	1	NO	X				\$67,956
2	Contra Costa**	Contra Costa and Alameda	2	1	BA	X	X			\$107,956
3	El Dorado	El Dorado and Alpine	2	1	NO	X	X			\$42,192
4	Mendocino**	Mendocino and Del Norte	2	2	BA	X		X		\$52,956
5	Napa	Napa	1	1	BA	X	X			\$52,956
6	Orange**	Orange	1	2	SO	X	X			\$107,956
7	Sacramento**	Sacramento	1	4	NO	X				\$39,956
8	San Francisco**	San Francisco and Marin	2	2	BA	X	X	X		\$107,956
9	Santa Clara	Santa Clara	1	1	BA	X				\$91,180
10	Tulare**	Tulare and Kings	2	1	NO	X				\$67,956
11	Yuba	Yuba and Sutter	2	1	NO	X				\$37,529
	Subtotal	18	18	17						\$776,549

*Abbreviation key for AOC regions: NO–Northern/Central Region; BA–Bay Area/Northern Coastal Region; SO–Southern Region.

**These applicant courts received an increase of grant funding in the amount of \$7,956 for fiscal year (FY) 2013–2014 because the Superior Court of Lassen County chose to not seek funding for grant FY 2013–2014. The grant fund amount of \$29,564 was approved by the Judicial Council to be redistributed to those eligible continuation programs. Additionally, the Superior Court of Napa County lost its county collaborative partner, the Superior Court of Solano County during FY 2012–2013, due to the closure of its local subcontractor supervised visitation program. The Superior Court of Solano County decided to close the Access to Visitation Grant Program in 2012–2013. The Napa County court grant award amount for grant FY 2013–2014 was reduced for consistency with the funding formula cap for its county population size (i.e., original funding cap of \$60,000 to the \$45,000 funding cap), and the \$15,000 from the Superior Court of Napa County was also redistributed to all eligible continuation programs (this included the Superior Court of Napa County).

Appendix B

California Family Code Sections 3200–3204

3200 [Development of Standards for Supervised Visitation] The Judicial Council shall develop standards for supervised visitation providers in accordance with the guidelines set forth in this section. On or before April 1, 1997, the Judicial Council shall report the standards developed and present an implementation plan to the Legislature. For the purposes of the development of these standards, the term "provider" shall include any individual who functions as a visitation monitor, as well as supervised visitation centers. Provisions shall be made within the standards to allow for the diversity of supervised visitation providers.

(a) When developing standards, the Judicial Council shall consider all of the following issues:

- (1) The provider's qualifications, experience, and education.
- (2) Safety and security procedures, including ratios of children per supervisor.
- (3) Any conflict of interest.
- (4) Maintenance and disclosure of records, including confidentiality policies.
- (5) Procedures for screening, delineation of terms and conditions, and termination of supervised visitation services.

(6) Procedures for emergency or extenuating situations.

(7) Orientation to and guidelines for cases in which there are allegations of domestic violence, child abuse, substance abuse, or special circumstances.

(8) The legal obligations and responsibilities of supervisors.

(b) The Judicial Council shall consult with visitation centers, mothers' groups, fathers' groups, judges, the State Bar of California, children's advocacy groups, domestic violence prevention groups, Family Court Services, and other groups it regards as necessary in connection with these standards.

(c) It is the intent of the Legislature that the safety of children, adults, and visitation supervisors be a precondition to providing visitation services. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

3201 [First Enacted Section] Supervised Visitation Administration. Any supervised visitation maintained or imposed by the court shall be administered in accordance with Section 26.2 of the California Standards of Judicial Administration recommended by the Judicial Council.

3201. [Second Enacted Section] Administration of Programs; Definitions.

(a) The programs described in this chapter shall be administered by the family law division of the superior court in the county.

(b) For purposes of this chapter, "education about protecting children during family disruption" includes education on parenting skills and the impact of parental conflict on children, how to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.

3202 [Compliance with Requirements; Definitions]

(a) All supervised visitation and exchange programs funded pursuant to this chapter shall comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in Section 26.2 of the Standards of Judicial Administration as amended. The family law division of the superior court may contract with eligible providers of supervised visitation and exchange services, education, and group counseling to provide services under this chapter.

(b) As used in this section, "eligible provider" means:

(1) For providers of supervised visitation and exchange services, a local public agency or nonprofit entity that satisfies the Uniform Standards of Practice for Providers of Supervised Visitation.

(2) For providers of group counseling, a professional licensed to practice psychotherapy in this state, including, but not limited to, a licensed psychiatrist, licensed psychologist, licensed clinical social worker, or licensed marriage and family therapist; or a mental health intern working under the direct supervision of a professional licensed to practice psychotherapy.

(3) For providers of education, a professional with a bachelor's or master's degree in human behavior, child development, psychology, counseling, family-life education, or a related field, having specific training in issues relating to child and family development, substance abuse, child abuse, domestic violence, effective parenting, and the impact of divorce and interparental conflict on children; or an intern working under the supervision of that professional.

3203 [Programs and Counseling Administered by the Family Law Division] Subject to the availability of federal funding for the purposes of this chapter, the family law division of the superior court in each county may establish and administer a supervised visitation and exchange program, programs for education about protecting children during family disruption, and group counseling programs for parents and children under this chapter. The programs shall allow parties and children to participate in supervised visitation

between a custodial party and a noncustodial party or joint custodians, and to participate in the education and group counseling programs, irrespective of whether the parties are or are not married to each other or are currently living separately and apart on a permanent or temporary basis.

3204 [Administration of Grant Funds]

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

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

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

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

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

(B) The ability to expand existing services.

(C) Coordination with other community services.

(D) The hours of service delivery.

(E) The number of counties or regions participating.

(F) Overall cost effectiveness.

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

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

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income

families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.

Appendix C

California Standards of Judicial Administration, Standard 5.20

(a) Scope of service

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

(b) Definition

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

(c) Qualifications of the provider

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

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

(A) Be 21 years of age or older;

(B) Have no conviction for driving under the influence (DUI) within the last 5 years;

- (C) Not have been on probation or parole for the last 10 years;
 - (D) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
 - (E) Have proof of automobile insurance if transporting the child;
 - (F) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
 - (G) Have no current or past court order in which the provider is the person being supervised;
 - (H) Not be financially dependent on the person being supervised;
 - (I) Have no conflict of interest under (g); and
 - (J) Agree to adhere to and enforce the court order regarding supervised visitation.
- (2) A "professional provider" is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The professional provider should:
- (A) Be 21 years of age or older;
 - (B) Have no conviction for driving under the influence (DUI) within the last 5 years;
 - (C) Not have been on probation or parole for the last 10 years;
 - (D) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
 - (E) Have proof of automobile insurance if transporting the child;
 - (F) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
 - (G) Have no current or past court order in which the provider is the person being supervised;
 - (H) Be able to speak the language of the party being supervised and of the child, or the provider must provide a neutral interpreter over the age of 18 who is able to do so;

- (I) Have no conflict of interest under (g); and
 - (J) Agree to adhere to and enforce the court order regarding supervised visitation.
- (3) A "therapeutic provider" is a licensed mental health professional paid for providing supervised visitation services, including a psychiatrist, a psychologist, a clinical social worker, a marriage and family counselor, or an intern working under direct supervision of a qualified licensed mental health professional. A therapeutic provider should meet the qualifications provided in (c)(2). A judicial officer may order therapeutic supervision for cases requiring a clinical setting.

(d) Training for providers

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

(e) Safety and security procedures

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

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

(f) Ratio of children to provider

The ratio of children to a professional provider should be contingent on:

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

- (2) The nature of supervision required in each case;
- (3) The number and ages of the children to be supervised during a visit;
- (4) The number of people visiting the child during the visit;
- (5) The duration and location of the visit; and
- (6) The experience of the provider.

(g) Conflict of interest

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

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

(h) Maintenance and disclosure of records

- (1) Professional and therapeutic providers should keep a record for each case, including the following:
 - (A) A written record of each contact and visit, including the date, time, and duration of the contact or visit;
 - (B) Who attended the visit;
 - (C) A summary of activities during the visit;
 - (D) Actions taken by the provider, including any interruptions, terminations of a visit, and reasons for these actions;

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

(i) Confidentiality

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

- (1) Ordered by the court;
- (2) Subpoenaed to produce records or testify in court;
- (3) Requested to provide information about the case by a mediator or evaluator in conjunction with a court-ordered mediation, investigation, or evaluation;

- (4) Required to provide information about the case by Child Protective Services; or
- (5) Requested to provide information about the case by law enforcement.

(j) Delineation of terms and conditions

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

- (1) Monitor conditions to assure the safety and welfare of the child;
- (2) Enforce the frequency and duration of the visits as ordered by the court;
- (3) Avoid any attempt to take sides with either party;
- (4) Ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times, and that discussions are audible to the provider;
- (5) Speak in a language spoken by the child and the noncustodial party;
- (6) Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's siblings;
- (7) Allow no discussion of the court case or possible future outcomes;
- (8) Allow neither the provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- (9) Allow no spanking, hitting, or threatening the child;
- (10) Allow no visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;
- (11) Allow no emotional, verbal, physical, or sexual abuse; and
- (12) Ensure that the parties follow any additional rules set forth by the provider or the court.

(k) Safety considerations for sexual abuse cases

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

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

(l) Legal responsibilities and obligations of a provider

All providers of supervised visitation should:

- (1) Advise the parties before commencement of supervised visitation that no confidential privilege exists;
- (2) Report suspected child abuse to the appropriate agency, as provided by law, and inform the parties of the provider's obligation to make such reports;
- (3) Implement the terms and conditions under (j); and
- (4) Suspend or terminate visitation under (n).

(m) Additional legal responsibilities of professional and therapeutic providers

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

- (1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation. The contract should inform each party of the terms and conditions of supervised visitation;
- (2) Review custody and visitation orders relevant to the supervised visitation;
- (3) Implement an intake and screening procedure under (e)(2); and

- (4) Comply with additional requirements under (o).

(n) Temporary suspension or termination of supervised visitation

- (1) All providers should make every reasonable effort to provide a safe visit for the child and the noncustodial party.
- (2) However, if a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.
- (3) All interruptions or terminations of visits should be recorded in the case file.
- (4) All providers should advise both parties of the reasons for interruption of a visit or termination.

(o) Additional requirements for professional and therapeutic providers

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