



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

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

HON. MARSHA G. SLOUGH
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Richard Bloom
Hon. C. Todd Bottke
Hon. Stacy Boulware Eurie
Hon. Kevin C. Brazile
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Brad R. Hill
Ms. Rachel W. Hill
Hon. Harold W. Hopp
Hon. Dalila Corral Lyons
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS

Hon. Rupert A. Byrdsong
Ms. Rebecca J. Fleming
Mr. Kevin Harrigan
Mr. Shawn C. Landry
Hon. Glenn Mondo
Hon. Ann C. Moorman
Hon. Theodore C. Zayner

MR. MARTIN HOSHINO
Administrative Director
Judicial Council

February 28, 2022

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 3044
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: California's Access to Visitation Grant Program (Federal Fiscal Years 2020–21 and 2021–22): Report to the Legislature, as required under Family Code section 3204(d)

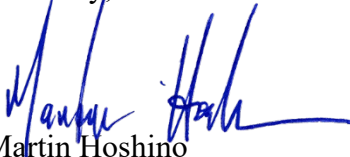
Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Pursuant to Family Code section 3204(d), the Judicial Council is submitting *California's Access to Visitation Grant Program (Federal Fiscal Years 2020–21 and 2021–22): 2022 Report to the Legislature* on the programs funded by California's Access to Visitation Grant Program for Enhancing Responsibility and Work Opportunity for Nonresidential Parents for federal fiscal years 2020–21 and 2021–22.

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
February 28, 2022
Page 2

If you have any questions related to this report, please contact Ms. Charlene Depner, Director, Judicial Council Center for Families, Children & the Courts, at 415-865-7572 or charlene.depner@jud.ca.gov.

Sincerely,



Martin Hoshino
Administrative Director
Judicial Council

MH/CD/SLB/as
Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Jesse Romine, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Hans Hemann, Principal Consultant, Joint Legislative Budget Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
Matt Osterli, Consultant, Senate Republican Fiscal Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Kimberley Horiuchi, Principal Consultant, Assembly Appropriations Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Amy Leach, Minute Clerk, Office of Assembly Chief Clerk
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council

Ms. Cara L. Jenkins

Ms. Erika Contreras

Ms. Sue Parker

February 28, 2022

Page 3

Fran Mueller, Deputy Director, Budget Services, Judicial Council

Zlatko Theodorovic, Deputy Director, Budget Services, Judicial Council

Jenniffer Herman, Administrative Coordinator, Governmental Affairs, Judicial Council



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

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

HON. MARSHA G. SLOUGH
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Richard Bloom
Hon. C. Todd Bottke
Hon. Stacy Boulware Eurie
Hon. Kevin C. Brazile
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Brad R. Hill
Ms. Rachel W. Hill
Hon. Harold W. Hopp
Hon. Dalila Corral Lyons
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS

Hon. Rupert A. Byrdsong
Ms. Rebecca J. Fleming
Mr. Kevin Harrigan
Mr. Shawn C. Landry
Hon. Glenn Mondo
Hon. Ann C. Moorman
Hon. Theodore C. Zayner

MR. MARTIN HOSHINO
Administrative Director
Judicial Council

February 28, 2022

Report title: *California's Access to Visitation Grant Program (Federal Fiscal Years 2020–21 and 2021–22): 2022 Report to the Legislature*

Code section: Family Code section 3204(d)

Date of report: March 1, 2022

The Judicial Council 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. These grants are established under 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.

The report provides information on the programs funded for federal fiscal years 2020–21 and 2021–22 under California's Access to Visitation Grant Program for Enhancing Responsibility and Work Opportunity for Nonresidential Parents and is legislatively mandated. Family Code section 3204(d) directs the Judicial Council to report on the programs funded and whether and to what extent those programs are achieving the goals of promoting and encouraging healthy parent and child relationships while ensuring the health, safety, and welfare of children.

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

A printed copy of the report may be obtained by calling Ms. Shelly La Botte, California's Access to Visitation Grant Program Coordinator, at 916-643-7065.

California's Access to Visitation Grant Program

FEDERAL FISCAL YEARS 2020-21 AND
2021-22

2022 REPORT TO THE LEGISLATURE



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

This report has been prepared and submitted to the California Legislature pursuant to Family Code section 3204(d).

This report is available on the California Courts website at www.courts.ca.gov/7466.htm.

For additional copies or more information about this report, please call the Judicial Council Center for Families, Children & the Courts at 916-643-7065, or write to:

Judicial Council of California
Operations and Programs Division
Center for Families, Children & the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688
www.courts.ca.gov

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Martin Hoshino
Administrative Director

Millicent Tidwell
Chief Deputy Director

OPERATIONS AND PROGRAMS DIVISION

Robert Oyung
Chief Operating Officer

CENTER FOR FAMILIES, CHILDREN & THE COURTS

Charlene Depner
Director

Don Will
Deputy Director

Bonnie Rose Hough
Principal Managing Attorney

Gregory Tanaka
Supervising Attorney

Shelly La Botte
Senior Analyst and Primary Author of Report

Judicial Council of California (2021–22)

The Judicial Council is the policymaking body of the California Courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

Hon. Tani G. Cantil-Sakauye

Chief Justice of California and
Chair of the Judicial Council

Hon. Kyle S. Brodie

Judge of the Superior Court of California,
County of San Bernardino

Hon. Carol A. Corrigan

Associate Justice of the Supreme Court

Hon. Jonathan B. Conklin

Judge of the Superior Court of California,
County of Fresno

Hon. Brad R. Hill

Administrative Presiding Justice
Fifth Appellate District

Hon. Samuel K. Feng

Judge of the Superior Court of California,
County of San Francisco

Hon. Carin T. Fujisaki

Associate Justice of the Court of Appeal
First Appellate District, Division Three

Hon. Harold W. Hopp

Judge of the Superior Court of California,
County of Riverside

Hon. Marsha G. Slough

Associate Justice of the Court of Appeal
Fourth Appellate District, Division Two

Hon. Dalila Corral Lyons

Judge of the Superior Court of California,
County of Los Angeles

Hon. Marla O. Anderson

Judge of the Superior Court of California,
County of Monterey

Hon. David M. Rubin

Judge of the Superior Court of California,
County of San Diego

Hon. C. Todd Bottke

Presiding Judge of the Superior Court of
California, County of Tehama

Hon. Richard Bloom

Member of the California State Assembly

Hon. Stacy Boulware Eurie

Judge of the Superior Court of California,
County of Sacramento

Hon. Thomas J. Umberg

Member of the California State Senate

Hon. Kevin C. Brazile

Judge of the Superior Court of California
County of Los Angeles

Mr. David D. Fu

Attorney at Law

Ms. Rachel W. Hill

Attorney at Law

Ms. Gretchen Nelson
Attorney at Law

Mr. Maxwell V. Pritt
Attorney at Law

ADVISORY MEMBERS

Hon. Rupert A. Byrdsong
President of the California Judges
Association

Ms. Rebecca J. Fleming
Court Executive Officer
Superior Court of California,
County of Santa Clara

Mr. Kevin Harrigan
Court Executive Officer
Superior Court of California,
County of Tehama

Mr. Shawn C. Landry
Court Executive Officer
Superior Court of California,
County of Yolo

Hon. Glenn Mondo
Commissioner of the Superior Court of
California, County of Orange

Hon. Ann C. Moorman
Presiding Judge of the Superior Court of
California, County of Mendocino

Hon. Theodore C. Zayner
Presiding Judge of the Superior Court of
California, County of Santa Clara

SECRETARY

Mr. Martin Hoshino
Administrative Director

Family and Juvenile Law Advisory Committee

Hon. Stephanie E. Hulsey, Co-Chair
Judge of the Superior Court of California
County of Monterey

Hon. Ana I. de Alba
Judge of the Superior Court of California
County of Fresno

Hon. Amy M. Pellman, Co-Chair
Judge of the Superior Court of California,
County of Los Angeles

Hon. Gregory J. Elvine-Kreis
Judge of the Superior Court of California
County of Humboldt

Hon. Charles F. Adams
Judge of the Superior Court of California,
County of Santa Clara

Ms. Kristen Erickson-Donadee
Chief Deputy Director
California Department of Child Support
Services

Hon. Craig E. Arthur
Judge of the Superior Court of California,
County of Orange

Hon. Ana L. España
Judge of the Superior Court of California
County of San Diego

Dr. Baljit Atwal
Psychology Assessment Resource Center

Ms. Katherine Fogarty
Chief Dependency Attorney
Richard Ciummo & Associates –
Alternate Defense Office

Hon. Bunmi O. Awoniyi
Judge of the Superior Court of California,
County of Sacramento

Hon. Suzanne Gazzaniga
Judge of the Superior Court of California,
County of Placer

Hon. John P. Bianco
Judge of the Superior Court of California,
County of Tulare

Hon. Susan M. Gill
Judge of the Superior Court of California,
County of Kern

Dr. Gena Castro Rodriguez
Clinical Psychologist and Licensed
Marriage and Family Therapist

Hon. Jennifer Lee Giuliani
Judge of the Superior Court of California
County of Kings

Hon. Tari L. Cody
Judge of the Superior Court of California,
County of Ventura

Hon. Donna L. Quigley Groman
Judge of the Superior Court of California,
County of Los Angeles

Hon. Laura H. Miller
Judge of the Superior Court of California,
County of San Diego

Ms. Stephanie M. Hansel
Court Executive Officer
Superior Court of California,
County of Sutter

Hon. Annemarie G. Pace
Judge of the Superior Court of California,
County of San Bernardino

Ms. Leslie Heimov
Executive Director
Children's Law Center of California

Ms. Sherry Peterson
Certified Family Law Specialist
Law Office of Sherry Peterson

Mx. Cory Hernandez
Staff Attorney
Family Violence Appellate Project

Ms. Melissa J. Poulos
Family Law Facilitator/Self-Help
Program Manager, Director of Family
Court Services/Court Manager
Superior Court of California, County of
Sutter

Mr. Jonathan Laba
Assistant Public Defender
Contra Costa County Public Defender's
Office

Mr. Brian J. Richart
Chief Probation Officer
El Dorado County Probation

Ms. Sharon M. Lawrence
Chief Executive Officer
California CASA Association

Hon. Lawrence P. Riff
Judge of the Superior Court of California,
County of Los Angeles

Hon. Frank J. Menetrez
Associate Justice of the Court of Appeal
Fourth Appellate District, Division Two

Ms. Cheryl Scott
Director of Family Court Services
Superior Court of California,
County of Fresno

Ms. Joan Miller
Deputy Director
Family and Children's Services Division
San Francisco County Human Services
Agency

Ms. Nancy E. Smith
Supervising Deputy District Attorney
Sacramento County District Attorney's
Office

Hon. Nannette J. Stomberg
Commissioner of the Superior Court of
California, County of Shasta

Ms. Shannon M. Sullivan
Assistant County Counsel IV
County of Santa Cruz Office of the
County Counsel

Hon. B. Scott Thomsen
Judge of the Superior Court of California,
County of Nevada

ADVISORY MEMBER

Hon. Sue Alexander (Ret.)
Commissioner of Superior Court of
California, County of Alameda

CJER GOVERNING COMMITTEE
LIAISON

Hon. Michael A. Knish
Judge of the Superior Court of California,
County of San Bernardino

TCPJAC LIAISON

Hon. Erick Larsh
Presiding Judge of the Superior Court of
California, County of Orange

GOVERNMENTAL AFFAIRS
LIAISON

Ms. Andi Liebenbaum
Attorney
Governmental Affairs
Judicial Council of California

JUDICIAL COUNCIL STAFF TO
THE COMMITTEE

Mr. John Henzl, Lead Staff
Attorney
Center for Families, Children & the
Courts
Judicial Council of California

Ms. Tracy Kenny, Lead Staff
Attorney
Center for Families, Children & the
Courts
Judicial Council of California

Ms. Amanda Morris
Administrative Coordinator
Center for Families, Children & the
Courts
Judicial Council of California

Table of Contents

- EXECUTIVE SUMMARY 1
- CALIFORNIA’S ACCESS TO VISITATION PROGRAM.....4
 - Background 4
 - Federal and State Program Goals*..... 5
 - Funding Allocation to States*..... 6
 - Program Administration*..... 6
 - Grant Funding Eligibility 6
 - Grant Funding Criteria and Amounts 7
 - Midyear Reallocation 7
 - Grant Service Areas 8
 - Supervised Visitation and Exchange*..... 8
 - Parent Education* 8
 - Group Counseling*..... 9
 - Promotion and Encouragement of Healthy Parent-Child Relationships 9
 - Supervised Visitation and Exchange Service Activity*..... 9
 - Parent Education and Group Counseling Service Activities* 10
 - Program Monitoring..... 10
 - The COVID-19 Pandemic and Program Services 12
 - Unforeseen Challenges and Complexities* 12
 - Unexpected Benefits*..... 13
 - Program Accomplishments 14
- GRANT PROGRAMS FUNDED FOR FEDERAL FISCAL YEARS 2020–21 THROUGH 2021–22 ...17
 - Grant Application..... 17
 - Grant Review Process 17
- CALIFORNIA’S ACCESS TO VISITATION GRANT DATA COLLECTION AND REPORTING19
 - Federal Grant Reporting Requirements..... 19
 - Federal Data Survey Summary 19
 - Table 1. Summary of Program Data: October 1, 2019–September 30, 2020*..... 20
 - Table 2. Summary of Program Data: October 1, 2020–September 30, 2021*..... 21
 - Table 3. Number of Service Delivery Hours* 24
- CONCLUSION25
- APPENDIX: SUPERIOR COURTS AWARDED GRANT FUNDING IN FEDERAL FISCAL YEARS 2021–22 THROUGH 2023–2427

EXECUTIVE SUMMARY

With an annual federal appropriation of \$10 million, all 50 states, as well as the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, have been able to provide access and visitation services to noncustodial parents and their families since the inception of the federal Child Access and Visitation Grant Program in 1997. The Grants to States for Access and Visitation Programs (42 U.S.C. § 669b) were authorized by Congress through passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Federal funds are granted to states based on the number of children in single-family households.

States may use the federal grant funds to establish and administer programs to support and facilitate noncustodial parents' access to and visitation with their children. Federal funding activities include mediation, development of parenting plans, visitation enforcement, education, counseling, and development of guidelines for visitation and alternative custody arrangements. The use of federal child access and visitation grant funds in California is limited by Family Code section 3204 to three types of programs: supervised visitation and exchange services, parent education, and group counseling services that are administered directly or through contracts or grants with courts, local public agencies, or nonprofit entities. Additionally, states are required to provide at least 10 percent of project funding (state match) of the federal grant award amount. Grant recipient courts and/or local service providers or subcontractors can fulfill this state match requirement via cash or in-kind contributions.

Family Code section 3204(a) requires the Judicial Council of California to apply annually for federal Child Access and Visitation Grant Program funding from the federal Administration for Children and Families and to award this funding to the superior courts throughout California. The Judicial Council's Family and Juvenile Law Advisory Committee makes recommendations to the Judicial Council on the allocation of funding. The Judicial Council's Center for Families, Children & the Courts (CFCC) staff is responsible for managing the grant program.

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

For federal fiscal years 2020–21 and 2021–22,¹ California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents (hereafter

¹ The federal fiscal year is from October 1 through September 30, and the access to visitation state grant funding cycle refers to the contract agreement period that begins on April 1 and ends on March 31.

Access to Visitation Grant Program or AV) served primarily low-income,² noncustodial parents and their children. Superior court AV-funded programs included regional court collaborations and community-based, nonprofit subcontractors. Under Family Code section 3203, the supervised visitation and exchange programs, parent education, and group counseling services facilitated noncustodial parents and their children to participate in the AV-funded service activities irrespective of whether the parties were married to each other or were living separately and apart on a permanent or temporary basis. As set forth in Family Code sections 3203 and 3204, low-income, and divorced and/or separated, or unmarried noncustodial parents who are involved in custody and visitation proceedings under the Family Code were identified as the target population recipients for AV services.³

The federal and state goals of the grant program are to “remove barriers and increase opportunities for biological parents, not living in the same household as their children, to become more involved in their children’s lives”⁴ while ensuring the health, safety, and welfare of children. California’s Access to Visitation Grant Program service activities have been helpful in maximizing noncustodial parenting time by providing opportunities for noncustodial parents to establish healthy and positive relationships with their children. The grant program seeks to promote and encourage healthy parent-child relationships by:

- Improving parents’ compliance with court orders;
- Increasing the likelihood of financial support for children through increased child support payments;
- Facilitating contact between noncustodial parents and their children;
- Teaching parents effective conflict resolution and communication skills for problem solving and strategies for co-parenting; and
- Increasing opportunities for noncustodial parents and their children to maintain continued contact, such as through safe and secure supervised visitation services that allow noncustodial parenting time.

The grant-related services have been instrumental in supporting increased noncustodial parenting time and helping parents rebuild and sustain healthy parent-child relationships. The AV-funded parent education and counseling programs seek to help parents—whether divorced, separated, or never married—obtain a greater understanding of how divorce and separation affect their children and what they can do to make the circumstances easier for their children. The grant service activities help parents recognize and address the emotional

² See Tables 1.5 and 2.5 for annual individual income reported by parents.

³ The full text of the relevant Family Code sections is available at https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3200.&lawCode=FAM.

⁴ U.S. Department of Health and Human Services, Administration of Children and Families, Office of Child Support Enforcement, State Access and Visitation Administrators, State Profiles Information, Memorandum (1998).

consequences of separation and divorce by learning techniques and strategies for communicating better to reduce conflict.

During federal fiscal years 2020–21 and 2021–22 combined, California’s grant program successfully provided statewide services to 800 clients. California’s Access to Visitation Data Collection and Reporting System includes the total number of fathers, mothers, grandparents, and legal guardians who received direct services. Each person who received direct services was counted once within a federal fiscal year regardless of the number of times a person used an AV program during that time span. Moreover, 1,091 children were served over the two federal fiscal years, and 10,870 hours of services were delivered by grant recipient courts and their local service providers under the grant program.

Despite the many accomplishments of California’s Access to Visitation Grant Program, especially during the COVID-19 pandemic, the lack of additional funding to support the courts and subcontractors to provide these vital services continues to impede their ability to adequately meet the increased need for professional supervised visitation services for low-income parents statewide. While direct client services were significantly reduced as a result of the pandemic and during the time period required to transition in-person services to remote virtual services, in recent months service providers have reported waiting lists and increased demand for AV-funded services. In addition, with data showing a rise in domestic violence incidents during the pandemic,⁵ service providers are anticipating a corresponding increase in demand for services through court referrals as California continues to ease COVID-19–related restrictions. Federal funding for the grant program had been stagnant with no increase in funds since 1997 until 2022, when a slight increase of approximately \$15,000 was awarded over the previous year’s grant funding. The ability of the grant program to meet the demand for services with this limited funding is underscored through repeated requests for additional funding from courts and subcontractors during the annual midyear reallocation process and bi-annual progress summary reports collected by the AV grant program. The courts, together with their subcontractors, continue to struggle to meet the ever-increasing need for affordable and accessible services statewide.

The Access to Visitation Grant Program will continue to work closely with the federal Office of Child Support Enforcement, the Judicial Council’s Family and Juvenile Law Advisory Committee, courts, grant recipients, key stakeholders, and the state Legislature to address funding challenges for California families in need of access to visitation services.

⁵ Council on Criminal Justice, National Commission on COVID-19 and Criminal Justice, *Domestic Violence During COVID-19* (Feb. 2021).

CALIFORNIA'S ACCESS TO VISITATION PROGRAM

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)⁶ was signed into law. Beginning in 1997, Congress authorized \$10 million in block grants—Grants to States for Child Access and Visitation—as part of PRWORA to enable states to establish programs that support and facilitate noncustodial parents' visitation with and access to their children. Family Code section 3204 requires the Judicial Council of California to annually apply to the U.S. Department of Health and Human Services, Administration of Children and Families, Office of Child Support Enforcement, under section 669B of PRWORA, for federal Child Access and Visitation Grant Program funds and to award this funding to the superior courts throughout 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 federal fiscal years 2020–21 and 2021–22 under California's Access to Visitation Grant Program.⁷ The report also provides a snapshot of the clients served, number of participants, and hours of service delivery administered during the grant funding period.

Although the report makes no recommendations, the existing inadequacy of program funding to ensure accessible, affordable services statewide remains 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 federal Office of Child Support Enforcement.⁸ These grants, established under section 391 of PRWORA, enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. Funding allocations to states are based on the number of

⁶ Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2258.

⁷ The federal fiscal year is from October 1 through September 30, and the Access to Visitation state grant funding cycle refers to the contract agreement period that begins on April 1 and ends on March 31.

⁸ Fam. Code, § 3204(a).

single-parent households and the total number of children.⁹ California receives the maximum amount of eligible funds (approximately \$802,000 annually), which represents less than 10 percent of the total national funding. States are required under the grant to provide a 10 percent state match share. The California Access to Visitation Grant Program requires an additional 10 percent match for a total of 20 percent (nonfederal) match under the grant program. The additional 10 percent match by either the court and/or its local service provider or subcontractor aims to assist with program sustainability planning.

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. 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 pickup), and development of guidelines for visitation and alternative custody arrangements.¹⁰

The use of the funds in California, however, is limited by state statute to three types of programs:¹¹

- 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 living separately on a permanent or temporary basis;¹² and (2) to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the children's health, safety, and welfare.¹³ The overarching policy goal of the grant program has been to

⁹ See Office of Child Support Enforcement, Access and Visitation Mandatory Grant Program, for a description of the federal funding formula: www.acf.hhs.gov/css/outreach-material/access-and-visitation-mandatory-grant-program

¹⁰ 42 U.S.C. § 669b.

¹¹ Fam. Code, § 3204(b)(1).

¹² Fam. Code, § 3203.

¹³ Fam. Code, § 3204(d).

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.

The recipients of California’s Access to Visitation Grant Program 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 serve noncustodial parents (i.e., fathers and/or mothers who do not live with their children) as the target population clientele.¹⁴

Funding Allocation to States

Federal grant funds are awarded to the states effective October 1 of each federal fiscal year, and those funds are allocated to the courts for a 12-month period beginning the following April. California’s Access to Visitation Grant Program funding period begins on April 1 and ends on March 31 the following year.¹⁵ The federal funding allocation to California for federal fiscal year 2020–21 was \$897,558, and for federal fiscal year 2021–22 was \$802,780. On January 22, 2021, the Judicial Council approved the annual funding allocation and distribution of approximately \$655,000 to \$670,000 to nine superior courts for California’s Access to Visitation Grant Program for fiscal years 2021–22 through 2023–24.¹⁶

Program Administration

The Judicial Council is charged with overall responsibility for administering Access to Visitation Grant Program funds under Family Code section 3204(a). In addition to federal terms and conditions and the Family Code statutory provisions governing the administration of the grant funds (Fam. Code, §§ 3200–3204), 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 Judicial Council’s Center for Families, Children & the Courts has primary responsibility for implementing and managing the grant program.

Grant Funding Eligibility

All superior courts in California are eligible to apply for and receive Access to Visitation Grant Program funds through a statewide request for proposal issued by the Judicial Council.

¹⁴ Supervised visitation and exchange services are for noncustodial parents (not custodial parents, grandparents, distant relatives, etc.). According to the goal of the federally funded Child Access and Visitation Grant Program, grant funding to the states increases opportunities for *biological parents who are not living in the same household as their children* to become involved in their children’s lives.

¹⁵ California’s Access to Visitation Grant Program funding period follows the standard contract agreement period for the grant program, which begins on April 1 and ends on March 31 each fiscal year. The grant program does not operate on the federal fiscal year cycle (i.e., October 1 through September 30) except for the required data collection-reporting period each fiscal year.

¹⁶ The difference between the federal funding allocation to the state and the \$655,000 to \$670,000 allocated to the courts represents the amount of funds necessary for Judicial Council staff and contractors to provide the funded courts with technical assistance, education and training, evaluative site visits, and assistance in required program data collection. Some portions of the grant funds have been allocated to provide statewide services since the inception of the grant program in 1997.

The family law divisions of the superior courts are required to administer the programs. Given the limited funding available, applications are strongly encouraged to involve multiple courts and counties in the proposed programs, designating 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 Program application. Contract agreements are made only with the designated superior court.

Grant Funding Criteria and Amounts

Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number of and amounts for grants. The Judicial Council has approved both the funding allocation process and the amount of funds distributed to the courts since the inception of the grant program in 1997.

California's Access to Visitation Grant Program funding allocation formula sets the maximum grant funding levels, as adopted and approved by the Judicial Council in federal fiscal year 2015–16.

The grant funding cap and grant funding amounts are divided into three categories: maximum of \$45,000, maximum of \$60,000, and maximum of \$100,000. Two demographic factors are used to determine which of the three funding categories applies to a given court: (1) the number of single-parent households in the county, and (2) the number of individuals with income below the federal poverty level in the county.¹⁷ Each of these factors is weighted equally. Counties are ranked by this measure; counties in the top third eligible for up to \$100,000, counties in the middle third eligible for up to \$60,000, and counties in the lowest third eligible for up to \$45,000 in funding. A list of superior courts and grant amount eligibility is available on the California Courts' "Access to Visitation" webpage at www.courts.ca.gov/cfcc-accesstovisitation.htm.

Midyear Reallocation

Under the Child Access and 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 are spent, California's program instituted a midyear reallocation process to allow the state and grant recipient courts to assess spending to determine whether potential funds will need to be redistributed among the grantees. Judicial Council staff conducts a midyear reallocation process during the fiscal year funding period to determine whether grant recipient courts and their subcontractors will spend their full grant award. Each grant recipient court receives a midyear reallocation questionnaire that helps Judicial Council program staff use established criteria to evaluate the

¹⁷ U.S. Census Bureau, *2011–2015 American Community Survey 5-Year Estimates*, Table B09002: Own Children Under 18 Years by Family Type and Age; and Table S1701: Poverty Status in the Past 12 Months.

grant recipient court/subcontractor's funding needs and to determine whether courts will use their full grant award allocation.

Under the Judicial Council's approved funding allocation methodology, grant funds that become available when a grantee court withdraws from the program or does not spend its full grant award will be distributed to courts that are currently receiving Access to Visitation Grant Program funds through this midyear reallocation process. Reallocation of additional funds is based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding. The Judicial Council must approve any reallocation of grant funds.

Grant Service Areas

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

Supervised Visitation and Exchange

Supervised visitation and exchange under California's Access to Visitation Grant Program is "visitation between the 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." Eligible providers of supervised visitation and exchange services are local public agencies¹⁸ or nonprofit entities that satisfy California Standards of Judicial Administration, standard 5.20 (Uniform standards of practice for providers of supervised visitation).¹⁹

Parent Education

Parent education is defined under Family Code section 3201 and 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. Eligible providers of education are professionals with a bachelor's or master's degree in human behavior, child development, psychology, counseling, family-life education, or a related field, and with specific training in subjects related to child and family development, substance abuse, child abuse and neglect, child sexual abuse, domestic violence,

¹⁸ Under Government Code section 66905.8, "local public agency" means a city, county, district, or joint powers agency. Under Public Resources Code section 31017, "public agency" includes but is not limited to local public agencies, state agencies, federal agencies, colleges and universities, intergovernmental bodies, and federally recognized Indian tribes. For purposes of the California Access to Visitation Grant Program, the legislative intent behind "local public agency" as being an eligible provider under the grant per Family Code section 3202(b)(1) was to allow colleges and universities to provide services as a grant recipient.

¹⁹ The standards are available at www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5_20.

effective parenting, and the impact of divorce and interparental conflict on children. Interns working under the direct supervision of such professionals are also eligible providers.²⁰

Group Counseling

Group counseling services include but are not limited to those provided by mental health professionals and social workers to help parents work through their interpersonal conflicts by focusing on the best interest of the child and the importance of shared parenting. Desired results include reduced parental conflict, increased noncustodial parent access to their children, and/or an improvement in co-parenting relationships. Eligible providers of group counseling are professionals licensed to practice psychotherapy in this state—including but not limited to licensed psychiatrists, licensed psychologists, licensed clinical social workers, and licensed marriage and family therapists—or mental health interns working under the direct supervision of professionals licensed to practice psychotherapy.

Promotion and Encouragement of Healthy Parent-Child Relationships

California’s Access to Visitation Grant Program—funded service activities have been instrumental in maximizing noncustodial parenting time by providing opportunities for noncustodial parents to establish healthy and positive relationships with their children. The grant-related services seek to 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 strategies for co-parenting separately; and
- Increasing opportunities for noncustodial parents and their children to maintain continued contact through safe and secure supervised visitation and exchange services that allow noncustodial parenting time with trained, skilled professionals.

Supervised Visitation and Exchange Service Activity

All supervised visitation and exchange programs funded through California’s Access to Visitation Grant Program must comply with Family Code section 3200.5 and California Standards of Judicial Administration, standard 5.20 (Uniform standards of practice for providers of supervised visitation). These standards include the duties and obligations for providers of supervised visitation under Family Code sections 3200 and 3200.5. The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation. Additionally, grant recipient courts and local service providers or subcontractors selected for grant funding must certify compliance with standard 5.20 through submission of a Certification Statement for standard 5.20 and Family Code section 3200.5 as a term and condition under the Judicial Council contract agreement. This also includes completion of Judicial Council form FL-324(P), *Declaration of Supervised Visitation Provider (Professional)*, regarding compliance with the statutory requirements.

²⁰ Fam. Code, § 3203.

Court-ordered, professionally supervised visitation and/or exchange services are often not available or affordable for parents, or parents have to use nonprofessional supervised visitation providers that are not trained. Often, low-income families lose contact with one another because the parent is unable to facilitate the visit due to cost and accessibility barriers. The grant program aims to support the goal of noncustodial parents' access to and visitation with their children by increasing the likelihood of subsidized financial assistance to help satisfy the requirement of the court order that visitation be professionally supervised.

Supervised visitation and/or exchange services provide an essential service for cases when there are potential risks from abuse or violence, mental illness, substance use/misuse, or parenting concerns. A safe and secure environment with trained, skilled staff allows for contact between the noncustodial parents and the child, *when appropriate*, to maintain access to their children to help strengthen the parent-child relationship.

Parent Education and Group Counseling Service Activities

California's Access to Visitation Grant Program parent education and counseling programs are designed to support and facilitate noncustodial parents' access and visitation with their children. The programs teach noncustodial parents how to put parenting agreements into effect that (1) encourage and promote the best interests of their children; (2) rebuild and maintain healthy parent-child relationships; and (3) provide opportunities for noncustodial parents to become more involved in the lives of their children by focusing on the relationship they have with their children in a safe environment that includes parent education and/or counseling facilitators.

The parent education programs seek to help parents obtain a greater understanding of how separate parenting affects their children and to understand what they can do to make the circumstances easier for their children, both of which help noncustodial parents continue to build positive, healthy relationships with their children. Both the education and counseling service help parents learn to recognize and address the emotional consequences of separation and divorce by learning techniques and strategies for communicating better to maintain a relationship with their children.

The AV-funded service activities have improved noncustodial parenting time by helping parents (1) use constructive methods for dealing with their feelings and experiences about the divorce or separation; (2) talk about changes in the family; (3) receive information and resources on parenting and child support; and (4) increase their understanding about the basic legal processes associated with separation, divorce, and custody decision-making. These service activities impact noncustodial parents' parenting time and access and visitation with their children.

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 the grant recipient programs. These resources include feedback from the courts, clients, community stakeholders, and service providers at local, regional, and state levels.

In addition, grant recipients 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. Monitoring service providers is also conducted through submission of biannual progress summary reports. The biannual report provides a thorough and accurate account of project activities, programmatic challenges, and court/subcontractor compliance during the required reporting period.

Furthermore, to ensure grant recipients' adherence to timely submission of federal and state grant reporting requirements, Judicial Council program staff uses an *Acceptance and Sign-Off Form* containing a Description of Work Provided by Court section required under the grant program. Under the Judicial Council's standard contract agreement, the court/subcontractors are required to provide the work to the state in accordance with direction from Judicial Council program staff. The state is required to accept the work, provided the court has delivered the work in accordance with the criteria outlined in the contract agreement. Judicial Council program staff utilizes this form to notify grant recipients regarding their work's acceptability.

Moreover, grant recipients must monitor and evaluate whether the programs are doing what they are intended to do and whether the programs are accomplishing program goals and objectives. Grant recipient programs follow their individual program logic models for qualitative and quantitative data in system evaluations. Feedback from these systems is used to identify program strengths and weaknesses, and to improve overall service delivery.²¹

Despite the unprecedented challenges presented by the COVID-19 pandemic, the California Access to Visitation Grant Program adapted its program monitoring activities to ensure continued compliance with applicable federal and state grant requirements. Because of health and safety concerns throughout the pandemic, monitoring methods did not include in-person site visits to county court programs and nonprofit agencies. Thus, alternative methods of remote program monitoring during the pandemic were developed and included: organizing online regular meetings; conducting routine check-in status update meetings that involved reviewing new policies and safety protocols; reviewing complaint/grievance processes; technical assistance and training; reviewing the monthly submission of invoices; data collection audits and technical assistance; providing feedback and resources for successfully transitioning from in-person to online virtual or hybrid models for services; establishing various alternative communication channels (e.g., videoconferencing and one to-one technical assistance calls); and collaborative meetings with community justice partners and stakeholders

²¹ For a discussion of adaptations by grant recipient courts/subcontractors during the pandemic, see The COVID-19 Pandemic and Program Services, below.

to exchange information on best practices, innovations, and strategies for continuing to serve families.

The COVID-19 Pandemic and Program Services

As the COVID-19 pandemic spread, California’s Access to Visitation Grant Program’s primary concern was keeping everyone safe during this difficult time, especially grantee service providers and the families and children they served. From the start of the pandemic, many providers of supervised visitation and exchange services statewide suspended all in-person services as mandated under state, county, or local “stay-at-home” or “shelter-in-place” orders. As such, statewide providers and grant recipient courts were forced to conduct an ongoing assessment of how and if they could continue service delivery and whether to provide program services using mobile, remote, or digital technology-based services.

Unforeseen Challenges and Complexities

While the Access to Visitation Grant Program provided continued guidance, resources, and technical assistance to the programs remotely,²² local city and county directives varied regarding safety protocols. Thus, grant recipient courts and their subcontractors were required to make their own decisions on the level of services they could provide.

Due to the pandemic, programs received fewer referrals from courts and also had staffing challenges that significantly impacted the numbers of families they were able to serve. They also faced challenges as they changed their service delivery methods to allow for remote services. There were no evidence-based practices (or best practices) for providing virtual or digital supervised visitation or exchange services; therefore, programs had to assess whether the use of remote technology would ensure the health, safety, and welfare of children and families—especially in cases of child abuse, sexual abuse, and domestic violence. They had to learn how different technology applications operated and performed, including a technology platform’s privacy, security, and safety policies needed to reduce the risk of harm to families.

Of particular concern were the special needs of the families to be served, particularly for those families that did not have computers or internet access at home. Programs had to address parents’ resistance to participate in virtual visitation because of safety concerns and uncertainty regarding how to implement custody and visitation orders. Programs also needed to make adjustments to accommodate children with special needs, younger children’s inability to stay online for the length of the visit, cultural and diversity issues, and privacy concerns regarding seeing an individual’s home, especially in cases of domestic violence and child abuse.

Programs needed to implement new safety and screening protocols for virtual visitation and identify separate safety considerations for domestic violence and sexual abuse cases such as

²² California Courts, “Access to Visitation,” *COVID-19 and Virtual Supervised Visitation Materials*, www.courts.ca.gov/cfcc-accesstovisitation.htm (as of Jan. 28, 2022).

whether these cases should be exempt from virtual visitation, if a non-professional provider could assist children during the visit, and whether it was helpful to have a support person available for victims.

All of these protocols had to be developed and adapted in compliance with COVID-19 pandemic guidelines and mandates as programs sought to determine when to reopen in-person services. At the same time, the programs were mandated to implement new state statutory requirements for professional providers of supervised visitation that became effective January 1, 2020, and January 1, 2021, under Family Code section 3200.5 and standard 5.20 of the California Standards of Judicial Administration.

Through all of these unprecedented challenges, grant recipient courts and their subcontractors instituted clear, concrete measures to support the continuity of AV grant-related services during the COVID-19 pandemic. Courts and subcontractors worked diligently in trying to minimize the impact of the virus by keeping the health and safety front and center at all times, complying with applicable regulations and orders, monitoring local public health and court directives, and making decisions based on the best available data, expertise, and guidance on COVID-19 at any given time.

Unexpected Benefits

While the AV grantee programs faced different challenges, they worked closely with the courts and local community partners in always maintaining the health and safety of families, experts, service providers, and court personnel as the highest priority during the pandemic. Many of the programs reported unexpected benefits when they transitioned from in-person to remote services. Benefits included:

- The ability to offer more frequent visits for families;
- Scheduling flexibility because children were home and not in school during the stay-at-home directives;
- A reduction in no-show and cancellation rates;
- The expansion of organizational capacity to handle more cases; and
- New and expanded community partnerships and collaborations.

The programs also reported that they developed strategies on helping parents co-parent during a state of emergency and a pandemic, an understanding of the importance of creating a business continuity plan for future emergencies and exercising more flexibility and adaptability in seeking to provide continuity of services. As the pandemic and planning for post-pandemic service models continue, the Access to Visitation Grant Program remains committed to assessing and adopting creative approaches and innovations to better serve clients and keep families safe. This includes the continued successful use of technology and remote services, when appropriate.

Program Accomplishments

The federal funding for this program is extremely limited, with no near-term increase expected. Because the grant program is not a continuation grant, courts must competitively apply for new funding every three years. For some programs, lack of renewed funding has meant that court-community programs have closed down and/or the availability of accessible supervised visitation and exchange centers with trained and skilled professionals remains limited or is nonexistent. The support provided by the federal grant funds has allowed for continued free and low-cost, sliding-scale access to visitation services. In addition, the efforts by grant recipient courts and subcontractors working together to build stronger partnerships and bridging resources with other community-based organizations that share a common mission and purpose, have assisted many of the programs to cost-effectively maximize the use of grant funds.

During federal fiscal years 2020–21 and 2021–22, Judicial Council staff to California’s Access to Visitation Grant Program worked on several projects to expand the availability of services, especially throughout the COVID-19 pandemic. A variety of online educational resources were developed for the courts, parents, and other professionals and organizations to better understand how supervised visitation and exchange services operate in California.

In order to improve the quality and efficiency of services throughout the state, Judicial Council staff:

- Provided remote technical assistance statewide to grant recipient courts and court-community justice partners on their supervised visitation and exchange policies and procedures. This included the development of strategies and best practices for establishing local supervised visitation and exchange programs and/or an effective framework for implementation of Family Code section 3200.5 and standard 5.20 requirements. Technical assistance support included but was not limited to peer-to-peer information exchanges, teleconference calls, online grantee check-in meetings, and the production of sample templates and forms as educational resources.
- Conducted 14 remote statewide trainings—including 8 three-day basic trainings and 6 one-day advanced skills trainings—to approximately 846 multidisciplinary organizational professionals, court, and community justice partners on how to successfully implement the Uniform Standards of Practice for Providers of Supervised Visitation as set forth under standard 5.20 of the California Standards of Judicial Administration.
- Held online monthly Discussion and Listening Sessions in collaboration with the California Association of Supervised Visitation Service Providers. Approximately 563 professional providers statewide participated in these sessions during the COVID-19 pandemic.
- Provided remote and in-person technical assistance to various national, state, and local multidisciplinary organizations and professionals on providing virtual or digital

visitation services during the COVID-19 pandemic. This included consultation and trainings with the Florida Clearinghouse on Supervised Visitation, the national and international Supervised Visitation Network, other state access-to-visitation grant programs, as well as California programs.

- Developed several online resources for professional providers of supervised visitation and exchange services who were offering remote services to families during the pandemic. These included:
 - An information sheet, *Supervised Visits With Your Child During COVID-19* (to prepare parents for virtual visits);
 - A checklist for providers considering virtual visitation during COVID-19;
 - Ideas for virtual visits; and
 - A checklist for providers on considerations for continuing and reopening in-person programs during COVID-19.²³
- Worked with an outside consultant to create and complete an animated YouTube video on the training and qualification requirements to become a professional provider of supervised visitation and exchange services in California.²⁴
- Worked with an outside consultant on the development of two podcasts related to domestic violence and supervised visitation and exchange services:
 - “Rules Are Not Meant to Be Broken: The Important Role of Supervised Visitation and Professional Providers”²⁵ explains how the supervised visitation process works, and the important role professional providers have in keeping families safe, especially in cases involving domestic violence.
 - “Supervised Visitation and Perspectives from Judges” highlights different perspectives on some of the ways that family law judges and supervised visitation providers work together in trying to keep families safe, especially in cases involving domestic violence.²⁶
- Convened a working group remotely, in partnership with the California Association of Supervised Visitation Service Providers, tasked with creating a train-the-trainer program and approval process that will help to expand the pool of available, qualified, competent, and skilled faculty to teach the statewide standard 5.20 (Uniform standards

²³ California Courts, “Access to Visitation,” <https://www.courts.ca.gov/cfcc-accesstovisitation.htm>.

²⁴ Available in 2022; see <https://www.courts.ca.gov/cfcc-accesstovisitation.htm>.

²⁵ California Courts, “Domestic Violence,” <https://www.courts.ca.gov/programs-dv.htm>.

²⁶ Available in February 2022; see <https://www.courts.ca.gov/cfcc-accesstovisitation.htm>.

of practice for providers of supervised visitation) and Family Code section 3200.5 trainings.

GRANT PROGRAMS FUNDED FOR FEDERAL FISCAL YEARS 2020–21 THROUGH 2021–22

Grant Application

On July 29, 2020, the Judicial Council’s Center for Families, Children & the Courts released an open, competitive request for proposals (RFP) grant application for federal fiscal years 2021–22 through 2023–24 to fund California’s statutory AV-related services: supervised visitation and exchange, parent education, and group counseling for child custody and visitation family law cases.

The Center for Families, Children & the Courts staff received 11 grant applications from the superior courts, which represented 16 counties and involved 14 subcontractor agencies (e.g., local court community-based service providers that provide the direct services on behalf of the court to families). The total funding requested from the RFP applicant courts was \$793,749, and the total available statewide funding was \$655,000 to \$670,000 (subject to final federal allocation in 2021 and 2022). The total request for funding exceeded available funds by \$123,749 to \$138,749.

A list of superior courts approved for grant funding for federal fiscal years 2021–22 through 2023–24 is shown in the Appendix of this report.

Grant Review Process

The Judicial Council is required to determine the final number of and award amounts for grants under Family Code section 3204. Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through an RFP process that complies with state and federal requirements for receiving Access to Visitation Grant Program funds. Family Code section 3204(b)(2) provides that the grant funds must 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 Grant Review Group (GRG). The role of

the GRG reviewers was to read, score, and make proposed funding allocation recommendations to the Judicial Council's Family and Juvenile Law Advisory Committee, which would subsequently make recommendations to the Judicial Council's Executive and Planning Committee. The Judicial Council makes the final determinations on the number and amount of grant funding allocations.

GRG reviewers were experts representing members of the advisory committee, professional subject-matter experts from the Center for Families, Children & the Courts, and several community-based service providers with expertise in the areas of supervised visitation, domestic violence, and child abuse. All GRG reviewers participated in an orientation teleconference. GRG reviewers did not read or score grant application proposals from their own courts or counties, nor did Judicial Council staff to the Access to Visitation Grant Program.

The GRG used a three-tiered screening system. All grant application proposals were evaluated and scored according to a system of points, with each criterion in the RFP 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: each court's application score determined its rank. Additionally, grant decisions sought to ensure that the program goals represent statewide geographical diversity in service delivery, including population and court size.

CALIFORNIA'S ACCESS TO VISITATION GRANT DATA COLLECTION AND REPORTING

Federal Grant Reporting Requirements

Under section 469B(e)(3) of the Social Security Act, as added by section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, states are required to monitor, evaluate, and report on programs funded through Child Access and Visitation Grants.²⁷ 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.

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

- *Program descriptions*, including service providers and administrators, service area, population served, program goals, referral process, voluntary or mandatory nature of the programs, types of activities, and length and features of the program; and
- *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.²⁸

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."²⁹

Federal Data Survey Summary

California's Access to Visitation Grant Program utilizes an automated data collection system that collects the federally required data elements. The data collection and reporting system is standardized across all the grant recipient courts in California. The grant recipients are required to collect data in a uniform, standardized manner, which prevents programs from misinterpreting or inaccurately reporting the federally mandated data elements. The data reported *only* includes parents who receive direct services, and service counts do not include multiple visits for the program services. Clients are counted only once per service category. Judicial Council program staff provide technical assistance support and training on the data collection system to grant recipient courts and their local service providers.

²⁷ See State Child Access Program Survey: Guidance <https://vdocuments.net/health-and-human-services-omb-0970-0204.html>.

²⁸ *Ibid.*

²⁹ *Ibid.*

Table 1 presents a summary of California’s Access to Visitation Grant Program data for federal fiscal year 2019–20 (i.e., October 1, 2019, through September 30, 2020). Table 2 highlights California’s grant program data for federal fiscal year 2020–21 (i.e., October 1, 2020, through September 30, 2021). Please see the notes below Table 2 that outline the collection methodology and limitations.

Table 1. Summary of Program Data: October 1, 2019–September 30, 2020

1.1. Clients Served. The total number of clients include fathers, mothers, grandparents, and legal guardians. Only noncustodial parents are included. Each person is counted only once.

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Noncustodial Mothers	No. of Grandparents & Legal Guardians
403	282	121	0

1.2. Children of Clients Served. The total number of children involved includes only children of the biological parents and those under the care of grandparents and/or legal guardians.

Total No. of Children in Common
548

1.3. Services Provided to Clients. The services provided to clients are the total number of services provided to a client who received service under each category. Some clients may have received more than one service and, as a result, are counted under more than one service category. Clients are only reported once under each service received. The frequency of service is not reported.

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	71	29	319	0

1.4. Marital Status Between Biological Parents. Marital status is counted between biological parents only and does not report the 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
194	0	100	99	10

1.5. Annual Income. Annual income is reported by the client, includes all sources of annual income before taxes, and does not include income of any other household members.

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
122	66	72	46	54	43

1.6. Race/Ethnicity. Race/ethnicity (self-reported) reports the data 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
6	25	29	124	5	177	27	10

1.7. Source of Client Referrals to Services. The source of client referrals to services is reported for each client served: parents, grandparents, and legal guardians.

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
17	377	0	0	2	7	0

1.8. Outcome Data. Outcome data is reported for biological noncustodial mothers and noncustodial fathers only. Does not include parental education.

Noncustodial Parents Who Gained Increased Parenting Time With Children	Total No. Served	No. Gaining Increased Parenting Time	Percentage Gaining Increased Time
Mothers	121	121	100%
Fathers	282	282	100%
Total	403	403	100%

Table 2. Summary of Program Data: October 1, 2020–September 30, 2021

2.1. Clients Served. The total number of clients include fathers, mothers, grandparents, and legal guardians. Only noncustodial parents are included. Each person is counted only once.

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Noncustodial Mothers	No. of Grandparents & Legal Guardians
397	262	134	1

2.2. Children of Clients Served. The total number of children includes only children of the biological parents and those under the care of grandparents and/or legal guardians.

Total No. of Children in Common
543

2.3. Services Provided to Clients. The total number of clients are those who received services under each category; some clients may have received more than one service and are counted only once under each service category.

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	61	8	355	0

2.4. Marital Status Between Biological Parents. Marital status is counted between biological parents only and does not report the 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
197	0	113	78	8

2.5. Annual Income. Annual income is reported by the client, includes all sources of annual income before taxes, and does not include income of any other household members.

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
134	63	54	35	57	54

2.6. Race/Ethnicity. Race/ethnicity (self-reported) reports the data 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
11	18	28	135	2	158	31	14

2.7. Source of Client Referrals to Services. The source of client referrals to services is reported for each client served: parents, grandparents, and legal guardians.

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
4	380	3	2	2	0	6

2.8. Outcome Data. Outcome data is reported for biological noncustodial mothers and noncustodial fathers only. Does not include parental education.

No. of Noncustodial Parents Who Gained Increased Parenting Time With Children	Total No. Served	No. Gaining Increased Parenting Time	Percentage Gaining Increased Time
Mothers	134	117	87%
Fathers	262	241	92%
Total	396	358	90%

Important Data Collection Note

While grant recipients remain challenged with the limitations of funding and rising costs for overall service delivery, the COVID-19 pandemic was the greatest programmatic challenge ever encountered for the AV funded programs. As mentioned previously, the restrictions on personal movement as a result of the pandemic resulted in decreased referrals for services, decline in requests for anticipated in-person clients to be served, general challenges with transitioning to remote services, and implementation of a remote program service delivery model. Inadequate funding and anticipated increased demand in the future for services continue to impede the courts' and local service providers' ability to maintain or expand current service delivery levels for parents and children. The cost of service delivery continues to steadily increase, while federal funding has remained stagnant since the inception of the grant program in 1997. As costs rise, current funding levels result in fewer clients served and growing waiting lists. Additionally, the uncertainty and continuation of the COVID-19 pandemic and rising costs will impact how program services may be provided based on required Centers for Disease Control and Prevention guidelines, the Governor's executive orders, California Department of Public Health directives, and California county and municipal mandates or orders.

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 varied 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. The hours noted do 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 completed a summary form to capture 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 and program workload by grant recipient courts and their local service providers. For instance, supervised visitation and exchange services required more time of program staff and time spent with a parent than did parent education. This was because the visitation sessions occur over a longer period of time and were more intensive, whereas parent education was oftentimes a single workshop or class.

Access to Visitation Grant Program supervised visitation and exchange services were provided to families where unsupervised visits could pose serious safety concerns. Local service providers were required to ensure the safety and welfare of clients served under the grant. The practice of assuring safety often required staff to spend increased time working with the parent and child to ensure that reasonable safeguards were in place before, during, and after the scheduled visitation session. Such precautions include programs using two staff (rather than one) for the scheduled visit and ensuring that visits did not exceed two hours in duration based on statutory requirements for professional providers of supervised visitation. In addition, supervised visitation and exchange services require highly trained, skilled staffing to address the multifaceted issues associated with custody and visitation disputes in family law cases.

Table 3. Number of Service Delivery Hours

California Grant Service Areas	October 1, 2019, through September 30, 2020	October 1, 2020, through September 30, 2021
Group counseling*	0	0
Parent education	75	101
Supervised exchange	403	195
Supervised visitation	4067	6029
Total service hours	4545	6325

* Under the Access to Visitation Grant Program, data was collected on clients served (i.e., noncustodial parent mother and father, legal guardian, and grandparents) through three grant service areas: supervised visitation and exchange, parent education, and group counseling services. Data on clients served also included number of hours of service. Children were counted and reported as part of the client (parent) data but not as part of the services provided to clients. Under parent education and group counseling service areas, a parent may or may not have participated in and/or completed the counseling or parent education session itself; however, the child may have participated in the service without the noncustodial parent.

CONCLUSION

The services provided by the grant recipient courts and their local subcontractors for California’s Access to Visitation Grant Program were critical to helping ensure the health, safety, and welfare of parents and children. 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, including during the COVID-19 pandemic, means that the courts, together with their subcontractors, must struggle to meet the ever-increasing demand for services—inclusive of online and remotely at a subsidized rate, and the limitations on affordable, available, and accessible services statewide. The demand for the grant-related services outpaced the resources available to offer both in-person and remote tech-based services. Increased funding for California’s Access to Visitation Grant Program is needed to support ongoing and future AV-funded services and facilitate the establishment and implementation of access to visitation programs in all 58 counties in California.

The Access to Visitation Grant Program will continue to work closely with the federal Office of Child Support Enforcement, the Judicial Council’s Family and Juvenile Law Advisory Committee, courts, grant recipients, key stakeholders, and the state Legislature, and will support the grantees in actively seeking diverse supplementary funding to provide critical services. It will continue to support the programs to administer and operate high-quality program services, to address programmatic challenges, and to enhance service delivery for all California families in need of access to visitation services.

Should increased state and federal funding be made available to help support the continuation and expansion of the Access to Visitation Grant Program for professional supervised visitation, exchange, and parent education serving low-income families statewide, these are program priorities for that additional funding:

- Establishing access to professional supervised visitation, exchange, and parent education serving low-income families in all 58 counties.
- Establishing a supervised visitation Parent Education Program in each county.
- Establishing a statewide Access to Visitation Grant Program Hotline to provide quick access to resources for parents on family law, custody, and visitation issues.

- Development of Standards of Practice specifically for cases involving off-site/community-based supervised visitation services and best practices for the intersection of supervised visitation and domestic violence.
- Continuing education and training programs for professional providers to increase their knowledge, skills, and competency in the field of practice when working with parents and children.
- A training and education institute and a centralized statewide clearinghouse for the field of practice of supervised visitation and exchange services.
- Conducting research on evidence-based practices that highlight the impact of supervised visitation and exchange services on parents and children, relating to cases of domestic violence, child abuse, and behavioral health.

**APPENDIX: SUPERIOR COURTS AWARDED GRANT FUNDING
IN FEDERAL FISCAL YEARS 2021–22 THROUGH 2023–24**

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Region Service Area^a	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Grant Award Allocation
1	Del Norte	Del Norte	1	1	NO	X	X			\$34,000
2	Humboldt	Humboldt	1	1	BA	X	X			\$48,819
3	Orange	Orange	1	2	SO	X	X			\$97,642
4	San Bernardino	San Bernardino	1	2	SO	X	X			\$97,642
5	San Francisco	San Francisco, Marin and	3	1	BA	X	X			\$97,642
6	Santa Clara	Santa Clara	1	1	BA	X	X			\$64,443
7	Shasta	Shasta and	2	1	NO	X	X	X	X	\$58,585
8	Tulare	Tulare and	2	1	NO	X				\$97,642
9	Yuba	Yuba and	2	1	NO	X				\$58,585
	Subtotal	14	14	11						\$655,000

^a BA = Bay Area/Northern Coastal Region; NO = Northern/Central Region; SO = Southern Region.