



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-008*

For business meeting on January 21–22, 2021

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**Title**

Access to Visitation: Grant Program Funding  
Allocation for Federal Grant Fiscal Years  
2021–22 through 2023–24

**Rules, Forms, Standards, or Statutes Affected**

None

**Recommended by**

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

**Agenda Item Type**

Action Required

**Effective Date**

January 22, 2021

**Date of Report**

November 10, 2020

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving Access to Visitation Grant Program funding allocation and distribution of approximately \$655,000 to \$670,000 statewide for federal grant fiscal years 2021–22 through 2023–24. The Access to Visitation contract period begins on April 1 and ends on March 31 (of each of the three fiscal years). Subject to the availability of federal funds, the funding allocations will be directed to nine superior courts, representing 14 counties, to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services for family law cases. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 22, 2021:

1. Modify the current total Access to Visitation Grant Program funding allocation and distribution from approximately \$755,000 to \$770,000, to an amount between \$655,000 to \$670,000, subject to the availability of federal funding.
2. Approve the funding allocation and distribution of approximately \$655,000 to \$670,000 to the nine superior courts for Access to Visitation Grant fiscal years 2021–22 through 2023–24, as stated in Attachment A; and
3. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any excess grant funds to any of the nine applicant courts based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

### **Relevant Previous Council Action**

The Judicial Council has applied for and distributed grant funds for California’s Access to Visitation Grant Program since 1998, as required by Family Code section 3204(a). At its meeting on April 25, 2014, the Judicial Council adopted a new funding methodology for the program, effective fiscal year (FY) 2015–16. Under the approved funding methodology, Judicial Council staff were instructed to conduct an open competitive request for proposals (RFP) process for the superior courts to apply for federal fiscal year funding (see Link A).

In addition, the council also directed that, subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding would receive continuation funding for three years (from federal fiscal years 2015–16 through 2017–18). Furthermore, the new funding methodology required that the RFP process open up again in federal FY 2018–19 for another three-year funding period, with a permanent open RFP process repeating every three years and grant funding provided to the selected courts for a three-year period.

At its meeting on November 17, 2017,<sup>1</sup> the Judicial Council:

- Delegated authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any excess grant funds to any of the applicant courts based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after the Judicial Council allocation approval but before execution of a funding contract with the Judicial Council;
- Modified the current midyear reallocation process to delegate authority to the Family and Juvenile Law Advisory Committee to approve reallocation and distribution of any unspent funds to those eligible courts that spent the full grant award allocation and were approved for Access to Visitation funding based on the previous midyear funding

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<sup>1</sup> Judicial Council of Cal., mins. (Nov. 17, 2017), p. 2, <https://jcc.legistar.com/View.ashx?M=F&ID=5526793&GUID=1E232B38-3A39-44D0-AFF0-4D34DEAE2985>.

reallocation methodology approved by the council in 2014, or to any court that applied for funding but did not receive an award based on need and a justification that falls within the scope of the grant program; and

- Authorized Judicial Council staff to develop a plan to expend any remaining unspent grant funds to provide statewide services that will benefit all courts when unused funds exceed the requested funds from those eligible courts to receive additional funding through the midyear reallocation process and to report on the plan to the Family and Juvenile Law Advisory Committee.

## **Analysis/Rationale**

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 Reconciliation Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. The federal Child Access and Visitation Grant is a formula grant program based on each state's number of single-parent households. The use of the funds in California is limited by state statute to three types of programs: supervised visitation and exchange services, parent education, and group counseling services.<sup>2</sup> The amount of grant funds to be awarded to courts statewide has been approximately \$755,000 to \$770,000 for each federal fiscal year. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.

For federal FY 2021, the U.S. Department of Health and Human Services, Administration for Children and Families which oversees the federal AV Grant program, decided to use a newer data set for determining the grant formula from the Census Bureau called the Current Population Survey (CPS) supplemental questionnaire, Annual Social Economic Supplement (ASEC) that counts the number of biological children living with a single parent. The previous data set used to calculate state grant formulas, only counted single-parent households. As a result, the federal grant award received for FY 2021—22 has been reduced by nine and a half percent over last year's amount for a total reduction of \$85,238. To account for the significant reduction of federal funds awarded this year and a pattern of steady decreases in federal grant funding over time—based on changing state demographics or data—the committee is recommending that the previous council-approved total grant allocation of approximately \$755,000–\$770,000 be modified to \$655,000–\$670,000, subject to the availability of federal funding.

The federal funding for this program is extremely limited, and the need for access to visitation services is high. Existing funding levels cannot meet the current demand for services. To ensure a fair and unbiased selection process, the Family and Juvenile Law Advisory Committee

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<sup>2</sup> Fam. Code, § 3204(b)1 (see Link B).

approved the establishment of a Grant Review Group (GRG). The role of the GRG was to read, score, and evaluate each grant application proposal using the RFP reviewer and rating scoring sheet outlined as Attachment A in the Access to Visitation Request for Proposal and Grant Application. Judicial Council program staff then submitted the ranking results to the Family and Juvenile Law Advisory Committee, which made funding allocation recommendations to the Judicial Council. The Judicial Council makes final decisions regarding the number and amounts of grant awards.

### **RFP Grant Application for Fiscal Years 2021–22 through 2023–24**

On July 29, 2020, the Judicial Council Center for Families, Children & the Courts (CFCC) released an open, competitive RFP grant application for federal fiscal years 2021–22 through 2023–24 funding for Access to Visitation–related services: supervised visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. In September 2019, using unspent Access to Visitation Grant funds from the courts, CFCC contracted with an outside consultant—a grant-making expert—to assess the Access to Visitation Grant Program RFP process and proposed recommendations for a more streamlined grant application proposal and review process that complies with federal and state funding statutes and regulations. The goal was to determine whether the current structure was conducive to efficient and effective grant making and whether there were any deterrents for courts in applying for funding. The Access to Visitation Grant Program adopted the consultant’s proposed recommendations as follows: (1) develop a revised, more simplified and streamlined application template for the program; (2) implement a new rating and scoring rubric template for grant review and evaluation; and (3) research available low-cost online grant-making software for the grant program.

With the implementation of a new RFP grant application, before the release of the RFP proposal, Judicial Council program staff conducted several webinars and conference call discussions with statewide family court services directors and managers to prepare the courts and interested community-based justice partners for the revised application as part of the open RFP process.

On July 29, 2020, the RFP grant application was released and posted on the California Courts and the Judicial Resources Network websites. Judicial Council program staff also provided two grant applicant webinars for interested applicants. Courts and interested community-based justice partners had an opportunity to ask specific questions regarding the RFP and its requirements for federal grant funding for fiscal years 2021–22 through 2023–24. Additionally, courts were permitted to submit questions by email about the RFP grant application process after the webinars. Program staff posted questions and staff responses each week on the California Courts Access to Visitation webpage. The deadline for the RFP grant application for federal fiscal years 2021–22 through 2023–24 was September 29, 2020.

The Center for Families, Children & the Courts received 11 grant applications from the superior courts, which represented 16 counties and involved approximately 14 subcontractor agencies (i.e., local court community-based service providers). See Attachment B for a list of RFP applicant courts. The total funding request from the RFP applicant courts was \$793,749, and the

total available statewide funds available, as recommended, is approximately \$655,000 to \$670,000. Accordingly, the total request for funding exceeded available funds by \$123,749 to \$138,749.

### **Grant funding criteria and amounts**

The grant funding categories are based on the methodology adopted by the Judicial Council. Grant funding amounts are divided into three categories: a maximum of \$45,000, a maximum \$60,000, and a maximum of \$100,000. Two demographic factors determine which of the three funding categories would apply to a given court: (1) the number of single-parent households in the county, from U.S. Census data; and (2) the number of individuals with income below the federal poverty level in the county, per U.S. Census data.

### **Review and selection process**

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

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

### **Proposed grant awards**

The committee recommends that 9 of the 11 superior courts that submitted applications receive grant funding allocations based on their respective rankings and considering the significant reduction in federal grant funds. A summary of the grant application review and selection process is available at Attachment C.

### **Policy implications**

The proposal applies the funding methodology adopted by the Judicial Council at its meeting of April 25, 2014, to the applications received under an open, competitive request for proposals that was also adopted by the council at that meeting.

### **Comments**

This proposal was not circulated for comment. The recommended allocations are based on the funding methodology approved by the Judicial Council.

### **Alternatives considered**

The committee considered awarding funding to all 11 applicant courts, with proportionate reductions. However, given that the amount of requested funding far exceeded the grant funding available and the reduction in federal grant funds, the committee instead decided to award grant funding to the top nine applicant courts based on their respective GRG rankings, while taking into account geographic diversity and representation.

### **Fiscal and Operational Impacts**

The courts are required to contribute a 20 percent nonfederal match to the allocated funding. This requirement has been fulfilled by an in-kind match that covers the courts' implementation costs, such as procuring service providers, processing and submitting program invoices, and collecting data. The Judicial Council will execute contract agreements with the designated lead administering courts. The courts will then execute memorandums of understanding with their local service providers. Each court and service provider receiving funds is required to comply with all federal and state grant funding requirements—including all fiscal and administrative requirements—as well as grant terms described by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

### **Attachments and Links**

1. Attachment A: List of Superior Courts and Grant Award Amounts for Fiscal Years 2021–22 through 2023–24
2. Attachment B: Summary of RFP Grant Applicant Courts for Fiscal Years 2021–22 through 2023–24
3. Attachment C: Summary of RFP Grant Review and Selection Process for Fiscal Years 2021–22 through 2023–24
4. Link A: *Access to Visitation: Program Funding Allocation for Federal Grant Fiscal Years 2015–2016 through 2017–2018*, [www.courts.ca.gov/documents/jc-20141212-itemB.pdf](http://www.courts.ca.gov/documents/jc-20141212-itemB.pdf)
5. Link B: Fam. Code, § 3204, [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=3204.&lawCode=FAM](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3204.&lawCode=FAM)

## ATTACHMENT A

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

#### ACCESS TO VISITATION GRANT PROGRAM List of Superior Courts and Grant Award Amounts for Fiscal Years 2021–22, 2022–23, and 2023–24

<b>Superior Courts of California (by County)</b>	<b>Proposed Grant Funding Allocation (in dollars)</b>
Del Norte	\$ 34,000
Humboldt*	48,821–50,000
Orange	97,642–100,000
San Bernardino	97,642–100,000
San Francisco	97,642–100,000
Santa Clara*	64,443–66,000
Shasta	58,585–60,000
Tulare	97,642–100,000
Yuba	58,585–60,000
<b>Total</b>	<b>\$655,000 to \$670,000<sup>†</sup></b>

\* The proposed grantee courts will not receive the full funding requested based on the ranking, review, and evaluation of their applications by the GRG. The grant funding amount will depend on the final federal allocation award to the state.

† Final funding depends on the federal allocation award to the state for federal fiscal years 2021 through 2024.

## ATTACHMENT B

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

#### ACCESS TO VISITATION GRANT PROGRAM Summary of RFP Grant Applicant Courts for Fiscal Years 2021–22, 2022–23, and 2023–24

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Review Score	Budget Request Amount	Proposed Grant Funding Allocation
1	San Bernardino	San Bernardino	1	SoCal	X	X		100	\$100,000	\$97,642–\$100,000
2	Shasta	Shasta & Trinity	2	North Sacramento	X	X	X	99	\$ 60,000	\$58,585–\$60,000
3	Yuba	Yuba & Sutter	2	Central Valley	X			99	\$ 60,000	\$58,585–\$60,000
4	Tulare	Tulare & Kings	2	Central Valley	X	X		93	\$100,000	\$97,642–\$100,000
5	Del Norte*	Del Norte	1	North Coast	X	X		90	\$ 34,000	\$ 34,000
6	Orange	Orange	1	SoCal	X	X		89	\$100,000	\$97,642–\$100,000
7	San Francisco	San Francisco, San Mateo, & Marin	3	North Bay Area	X	X		83	\$100,000	\$97,642–\$100,000
8	Santa Clara*	Santa Clara	1	North Bay Area	X			83	\$100,000	\$64,443–\$66,000
9	Humboldt*	Humboldt	1	North Coast	X	X	X	80	\$ 60,000	\$48,821–\$50,000
10	Sacramento	Sacramento	1	Sacramento Valley	X	X		66	\$45,000	Not awarded.
11	Tuolumne	Tuolumne	1	Sierra Nevada	X	X		66	\$35,000	Not awarded.
			<b>16</b>						<b>\$794,000</b>	<b>\$655,000 to \$670,000</b>

\* The Superior Courts of Santa Clara County and Humboldt County will not receive the full funding requested based on ranking under the application review. The Superior Court of Del Norte County will maintain a minimum baseline level of requested funding irrespective of the final total grant allocation amount.



## ATTACHMENT C

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

#### ACCESS TO VISITATION GRANT PROGRAM Summary of RFP Grant Review and Selection Process for Fiscal Years 2021–22, 2022–23, and 2023–24

Consistent with the funding methodology approved by the Judicial Council at its April 2014 meeting for California’s Access to Visitation Grant Program, the Judicial Council’s Center for Families, Children & the Courts (CFCC) Access to Visitation Grant Program convened the establishment of a Grant Review Group (GRG) to review the CFCC Access to Visitation Grant Program request for proposals (RFP) grant applications for federal fiscal years 2021–22 through 2023–24. The GRG volunteers included several representatives of the Judicial Council’s Family and Juvenile Law Advisory Committee and subject-matter experts on the grant-related services.

The role of the GRG reviewers was to read, score, and evaluate each grant application using the scoring evaluation criteria outlined under the RFP’s Attachment A. Judicial Council program staff then submitted the ranking results to the Family and Juvenile Law Advisory Committee, which made funding allocation recommendations to the Judicial Council. The Judicial Council makes final decisions regarding the number and amounts of grant awards.<sup>3</sup>

The RFP grant application selection criteria were based on evaluation criteria stated in Family Code section 3204(b)(1) and (b)(2)(A–G), state and federal grant requirements, and compliance with standard 5.20 of the California Standards of Judicial Administration (Uniform standards of practice for providers of supervised visitation). The RFP grant review and selection process also sought to ensure that grant funds be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program.<sup>4</sup>

To assist GRG reviewers with the grant application process, Judicial Council program staff conducted a GRG orientation teleconference before the review of any grant application proposals. Additionally, program staff provided GRG members with an *Informational Sheet* to assist reviewers with a general understanding of the federal and state Child Access and Visitation Grant Program and offer guidance on reading the RFP grant application proposals.

At least eight GRG reviewers read and evaluated each grant proposal. The eight GRG reviewers were divided into two separate assigned groups based on the funding allocation cap (i.e., grant proposals eligible for up to \$45,000 and up to \$60,000 were reviewed by one group, and grant proposals eligible for up to \$100,000 were reviewed by the second group). **GRG reviewers did not read or score any grant application proposals from their own courts or counties.** They

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<sup>3</sup> Fam. Code, § 3204(b)(2).

<sup>4</sup> *Ibid.*

were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on any proposal submitted by their own court or county agencies. The Access to Visitation Grant Program coordinator and supervisor working on the grant program did not score any grant applications.

Each reviewer had to read, evaluate, and score five to six grant application proposals. GRG reviewers were responsible for completing a draft score on each proposal. These initial draft scores were used as a starting point when reviewers convened for a GRG WebEx meeting on the morning of October 27, 2020. The primary purpose of the meeting was for individual groups to come together in their assigned subgroups to discuss and generate a “group consensus score” for each grant application proposal. For each proposal, each group was responsible for creating one final rating sheet that detailed the group’s consensus score and feedback comments. In the afternoon, all GRG reviewers reconvened to review, confer, and make final funding recommendations. The GRG held a meeting again on November 9, 2020, after notice of the federal grant award reduction was received by council staff, to reallocate final funding recommendations to nine courts based on applicant rankings.

All grant application proposals were evaluated and scored according to a system of points, following each criterion in Attachment A of the RFP grant application. GRG reviewers used the reviewer rating sheet, based on Attachment A—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; thus, each court’s application score determined its rank. The RFP grant application proposals were evaluated and scored on a scale of 0–105 points based on the following criteria:

1. Grant Application Proposal Narrative (total of 100 points)

- Strength of Program Services (50 points)
- Strength of Partnerships (20 points)
- Evaluation (20 points)
- Budget (10 points)

2. RFP Grant Application Bonus (5 points)

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