



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.

For business meeting on March 14–15, 2024

Title	Agenda Item Type
Allocations and Reimbursements to Trial Courts: Access to Visitation Grant Program Funding Allocation for Federal Fiscal Years	Action Required
	Effective Date
2024–25 through 2026–27	March 14-15, 2024
	Date of Report
Rules, Forms, Standards, or Statutes Affected	January 3, 2024
None	
	Contact
Recommended by	Shelly La Botte, 916-643-7065
Family and Juvenile Law Advisory Committee	shelly.labotte@jud.ca.gov
Hon. Stephanie E. Hulse, Cochair	
	Gregory S. Tanaka, 415-865-7671
Hon. Amy Pellman, Cochair	gregory.tanaka@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for federal grant fiscal years 2024–25 through 2026–27. 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 8 superior courts, representing 13 counties, and involving 11 subcontractor agencies (i.e., local courts community nonprofit service providers) to

support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services 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 March 14-15, 2024:

1. Approve the funding allocation and distribution of \$655,000 to 8 of the 9 superior courts that submitted applications for the Access to Visitation Grant Program for fiscal years 2024–25 through 2026–27, as stated in Attachment A; and
2. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any excess grant funds to any of the eight 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.

These recommendations were presented to the Judicial Branch Budget Committee on January XX, 2024 and approved for consideration by 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) Grant Application 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 (effective federal fiscal years 2015–16). Furthermore, the new funding methodology required that the RFP Grant Application process open up again in federal FY 2018–19 for another three-year funding period, with a permanent open RFP Grant Application process repeating every three years and grant funding provided to the selected courts for a three-year period.

At its meeting on November 17, 2017,¹ the Judicial Council:

¹ 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>.

- 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 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 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 enables 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.² The amount of grant funds to be awarded to courts statewide is \$655,000 for each federal FY 2024–25 through 2026–27. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.

The federal funding for this program is extremely limited, and no increase is expected in the near future. The need for access to visitation services is high. To ensure a fair and unbiased selection process, the Family and Juvenile Law Advisory Committee 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 Grant Application. Judicial Council program staff then submitted the ranking results to the Family and Juvenile Law Advisory Committee, which made funding

² Fam. Code, § 3204(b)1 (see Link B).

allocation recommendations to the Judicial Council. The Judicial Council makes final decisions regarding the number and amounts of grant awards.

Grant Application for Fiscal Years 2024–25 through 2026–27

On September 8, 2023, the Judicial Council Center for Families, Children & the Courts (CFCC) released an open, competitive Grant Application proposal for federal fiscal years 2024–25 through 2026–27 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. The Grant Application was posted on the California Courts and the Judicial Resources Network websites. Judicial Council program staff also provided two grant applicant webinars for interested applicants on September 21, 2023 and October 5, 2023. Courts and interested community-based justice partners had an opportunity to ask specific questions regarding the Grant Application and its requirements for federal grant funding for fiscal years 2024–25 through 2026–27. Courts were permitted to submit questions by email about the 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 Grant Application proposals was on November 13, 2023.

Additionally, the Access to Visitation Grant Application, for federal fiscal years 2024–25 through 2026–27, permitted the superior courts of the family law division to submit their grant applications online for the first time. This made the application easier for local courts to complete and streamlined the grant application process. In addition, using the online grant management also provided an opportunity for the GRG to review and evaluate the grant proposals more effectively and efficiently.

The Center for Families, Children & the Courts received 9 grant applications from the superior courts, which represented 14 counties and involved 12 subcontractor agencies (i.e., local court community-based service providers). See Attachment B for a list of Grant Applicant courts. The total funding request from the applicant courts was \$764,756, and the total available statewide funds are \$655,000. Accordingly, the total request for funding exceeded available funds by \$109,756. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for the grant fiscal year is expected to be in the range of \$817,000 to \$876,000, based on recent funding history.³

Grant funding criteria and amounts

The grant funding categories are based on the methodology adopted by the Judicial Council.

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

Grant funding amounts are divided into three categories: a maximum of \$45,000, a maximum of \$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 8 of the 9 superior courts receive grant funding for fiscal years 2024–25 through 2026–27, as set forth under Attachments A and B. The committee is recommending a range of funding allocations for the eight courts based on the score and ranking of the proposals and a review of the specific programs and services proposed.

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 Grant Application process that was also adopted by the council at that meeting.

Comments

Circulation for comment was not required.

Alternatives considered

Because the request for funding exceeded the anticipated availability of federal grant funds for fiscal years 2024–25 through 2026–27, the committee considered several alternatives in reducing the total funding requests of the grant application proposals. Of the nine applications, the committee decided not to award funds to one of the grant application proposals based on score

ranking and because the proposed program services were outside the allowable scope of the grant program. For the remaining eight application proposals, the committee considered awarding funding based on proportionate reductions to each court and also contemplated the option of a reduction to any of the eight superior courts that did not fully spend down their grant award amount as an existing Access to Visitation grant recipient. However, the committee determined that the most fair and equitable method of reduction was for all eight grant allocations to be decreased by an equal amount of \$1,219.50 for a total allocation of \$655,000.

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 2024–25 through 2026–27
2. Attachment B: Summary of Grant Applicant Courts for Fiscal Years 2024–25 through 2026–27
3. Link A: *California's Access to Visitation Grant Application Reviewer Rating and Scoring Sheet for Fiscal Years 2024–25 through 2026–27*, www.courts.ca.gov/cfccaccesstovisitation.htm
4. Link B: *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
5. Link C: Fam. Code § 3204, 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 2024–25
Through 2026–27**

Superior Courts of California	Proposed Grant Funding
1. Superior Court of Humboldt County	\$58,780.50
2. Superior Court of Orange County	\$98,780.50
3. Superior Court of San Bernardino County	\$98,780.50
4. Superior Court of San Francisco County	\$98,780.50
5. Superior Court of Santa Clara County	\$83,536.50
6. Superior Court of Shasta County	\$58,780.50
7. Superior Court of Tulare County	\$98,780.50
8. Superior Court of Yuba County	\$58,780.50
Total	\$655,000

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 2024–25 Through 2026–27**

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount
1	Orange	Orange	1	SoCal	X	X			102.4	\$100,000
2	San Francisco	San Francisco, San Mateo, Marin	3	North-Bay Area	X	X			99.3	\$100,000
3	Shasta	Shasta and Trinity	2	North-Sacramento	X	X	X	X	97.8	\$ 60,000
4	Tulare	Tulare and Kings	2	Central Valley	X				96.4	\$100,000
5	San Bernardino	San Bernardino	1	SoCal	X	X	X	X	96.0	\$100,000
6	Santa Clara	Santa Clara	1	North-Bay Area	X				90.0	\$84,756
7	Yuba	Yuba and Sutter	2	Central Valley	X				88.3	\$ 60,000
8	Humboldt	Humboldt	1	North Coast	X	X			85.0	\$ 60,000
9	San Joaquin	San Joaquin	1	North-Bay Area	X	X	X	X	42.0	\$100,000
	Subtotal		14							\$764,756

* The Superior Court of San Joaquin County was not recommended for funding based on ranking, scoring, and because the program service delivery design fell outside the scope of the grant program.