



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 14, 2012

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**Title**

Access to Visitation: Program Funding  
Allocation Methodology for Fiscal Year  
2013–2014

**Agenda Item Type**

Action Required

**Effective Date**

December 14, 2012

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

None

**Date of Report**

November 28, 2012

**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Kimberly J. Nystrom-Geist, Cochair  
Hon. Dean T. Stout, Cochair

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve a methodology for one-year continuation Access to Visitation grant funding allocations for fiscal year 2013–2014. The recommended process will fund current programs that were previously approved by the Judicial Council for fiscal years 2011–2012 and 2012–2013. Courts will complete a simplified request for application process and the proposed allocations for each court will be submitted to the Judicial Council for approval in early 2013.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective December 14, 2012:

1. Approve a one-year continuation Access to Visitation grant funding allocation methodology for the grant funding period of April 1, 2013 through March 31, 2014; and
2. Create an Access to Visitation stakeholder workgroup charged with proposing new funding methodology options for fiscal year 2014–2015.

### **Previous Council Action**

Family Code section 3204(a) requires the Judicial Council to annually apply 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 1996 Federal Personal Responsibility and Work Opportunity Recovery Act (PRWORA). The federal Child Access and Visitation Grant Program allocates grant funds to states using a formula based on the numbers of states' single-parent households. California receives the maximum award, which represents less than 10 percent of the total national funding. The amount of grant funds to be awarded to courts statewide is approximately \$755,000 to \$770,000. This amount is not enough to provide grants to every court. Family Code section 3204(b) authorizes the Judicial Council to determine the final number and amount of grants.

For fiscal years 2003–2004 through 2009–2010, the Family and Juvenile Law Advisory Committee recommended to council that the California Access to Visitation Grant request for proposals (RFP) process be open only to programs that were already receiving grant funds. The Judicial Council approved both the recommended funding allocation process and the amount of funds to be distributed to the courts for each of these funding cycles. Commencing fiscal year 2010–2011 through 2012–2013, the Family and Juvenile Advisory Committee recommended that the Access to Visitation Grant request for proposals (RFP) process be open to any court. The Judicial Council approved both the allocation process and the amount of funds to be distributed to the courts. In addition to approving the funding process, the Judicial Council also determined, for each funding cycle, whether the funding would be for a single-year or multiyear cycle. (See Attachment A for details for each funding cycle since the inception of the program.)

### **Rationale for Recommendation**

Currently, the Access to Visitation program provides funding to 12 superior courts representing 20 counties and involving 19 subcontractor agencies (i.e., local community nonprofit service providers) to facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services.

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The need for access to visitation services is high. The limited amount of funding makes the application of a formula for statewide distribution of the grant funds problematic as the amount of funding to each court would be so small that the amount of services covered per court would be nominal in many cases. Further, the actual program services are obtained by the court contracting with local service providers. If all courts received funds, the

limited amount of funds per court would provide little incentive for many service providers to respond to any court request for proposal for services.

Two approaches to allocation of the limited grant funds have been taken by the Judicial Council in the past. The first is an open competitive process among all courts. This process requires the courts to complete a lengthy proposal process required by statute. An application review group is convened and each application is screened and rated. Applications are ranked according to the average of reviewer ratings. Maximum grant awards are based upon county population. Courts in the least populous counties receive a maximum of \$45,000; courts in midsize counties receive a maximum of \$60,000; and courts in counties with a population in excess of 1 million receive a maximum of \$100,000. Applications are ranked within each population size category and funds are awarded by rank until the total grant funding is exhausted.

There are advantages and disadvantages to opening the RFA process to all courts. The advantage of the open application process is that all courts can seek grant funding to support court-based services. The disadvantages are that there is a significant start-up time needed to implement the grant program. New programs are required to complete a procurement process to find an appropriate service provider. New courts and service providers then have to complete various statutorily and grant-mandated training and program implementation requirements prior to beginning to provide direct services. In the past this alternative has resulted in the delay of direct services to families and an increased likelihood that courts will not spend down the full grant. Funds not used in a funding cycle revert back to the federal funder. The open application process does require the courts to invest a significant amount of time and effort, and they still may not be selected due to the limited funds.

The alternative process, to approve continuation grants to courts that have already gone through the competitive process in earlier funding cycles, has several advantages. Continuation funding allows for a greatly simplified application process as much of the required information will already be on file. Courts can fully implement a viable program in less time, maximizing the potential numbers of clients being served. The disadvantage of continuation funding is that the practice limits access to the grant funding. However, it should be noted that many of the existing programs involve multi-court collaborations that extend the geographic reach of the funding.

Either of the above alternatives also involve a decision whether to use single-year or two-year funding. The proposed recommendation is for single-year funding and a continuation grant. The prior approach approved by the Judicial Council at its meeting February 25, 2011, was to confirm the open competitive process and two-year funding. All courts have had a relatively recent opportunity to apply and compete for the grant funding. Those courts selected through the competitive process will have had the funding cycle for fiscal years 2011–2012 and 2012–2013 to meet all procurement, training, and program requirements and thus have viable programs in place to maximize the utilization of the grand funds for the next funding cycle. If funding for fiscal year 2013–2014 is for a single year, the option to open the process up for the following funding cycle is still available.

The proposed recommendation is also being made to allow time to thoroughly evaluate the current funding methodology. Given the limited funding and the complexities of the existing processes, there may be opportunities to explore ways to streamline the process and develop innovative alternatives to more equitably distribute funding while maintaining program objectives. Additional time is needed to allow all stakeholders to provide input into the evaluative process and develop well-considered recommendations. This proposal would also not result in any delays in funding being available to the courts while the evaluation is ongoing.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for public comment but input was provided and alternatives were considered by the Family and Juvenile Law Advisory Committee that includes relevant stakeholders. The following alternative actions were considered, but are not recommended for adoption by the Judicial Council at this time.

#### **Implement new funding methodology**

A new funding methodology, other than the two existing alternatives, could be implemented next fiscal year. However, the timeline for development and approval would severely limit stakeholder input on the process. The development, approval, and implementation of the new methodology may result in funds not being received timely by the courts. Potential court applicants should be provided ample notice to changes in the award methodology to prepare for effects on program budgets and operations. The committee recommends an Access to Visitation stakeholder workgroup be developed to propose new funding methodology options for fiscal year 2014–2015.

#### **Allocate funding as a continuation grant for a multiyear period**

This alternative would delay implementation and the benefits of any revised funding methodologies.

#### **Allocate funding as a competitive process for a multiyear or one-year period**

The two prior funding cycles were based upon the competitive process and allowed courts the opportunity to openly compete for funding. The courts selected under that process have now achieved a level of stability and are in a position to maximize the benefits of the limited funding if a one-year continuation grant is approved. After an exploration of a new funding methodology has been completed, the options of continuation versus competitive process or a new methodology developed from the evaluation process could be revisited. Implementation of the competitive process, at this point in time, would undercut those benefits.

### **Implementation Requirements, Costs, and Operational Impacts**

There are no implementation requirements and costs other than the completion of a simplified application by the courts and AOC staff time to complete the grant funding agreements with the courts.

## **Attachments**

1. Attachment A: Access to Visitation Grant Funding Process for Fiscal Years 1997–1998 through 2012–2013
2. Attachment B: Family Code section 3204

Attachment A:  
 Access to Visitation Grant Funding Methodology for Fiscal Years 1997–1998 through  
 2012–2013

*History of Previous Grant Funding Preference*

The table below provides a summary of the Access to Visitation Grant Program funding priority preferences that were approved by the Family and Juvenile Law Advisory Committee for fiscal years 1997–1998 through 2012–2013.

<b>Fiscal Years</b>	<b>Grant Funding Preference</b>	<b>Grant Funding Cycle</b>
1997–1998	Open to all courts	Single/multiyear funding
1998–1999	Open to all courts—courts applied in the FY 1997–1998 application process	Single-year funding
1999–2000	Open to all courts	Single-year funding
2000–2001	Open to all courts	Single-year funding
2001–2002	Open to all courts	Single-year funding
2002–2003	Open to all courts	Single-year funding
2003–2004 and 2004–2005	Continuation programs	Multiyear funding
2005–2006 and 2006–2007	Continuation programs	Multiyear funding
2007–2008 and 2008–2009	Continuation programs	Multiyear funding
2009–2010	Continuation programs	Single-year funding
2010–2011	Open to all courts	Single-year funding
2011–2012 and 2012–2013	Open to all courts	Multiyear funding

Attachment B:  
**CALIFORNIA ACCESS TO VISITATION GRANT PROGRAM**

**California Family Code Section 3204**

3204. (a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

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

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

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

Requests for proposals shall be evaluated based on the following criteria:

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

(B) The ability to expand existing services.

(C) Coordination with other community services.

(D) The hours of service delivery.

(E) The number of counties or regions participating.

(F) Overall cost effectiveness.

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

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

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

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