



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: November 16–17, 2017

Title

Access to Visitation Grant Program: Funding Allocation for Federal Grant Fiscal Years 2018–19 through 2020–21

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

November 17, 2017

Date of Report

October 6, 2017

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Access to Visitation Grant Program funding allocation and distribution of approximately \$755,000 to \$770,000 statewide for federal grant fiscal years 2018–19 through 2020–21. The Access to Visitation contract period for federal grant fiscal years 2018–19 through 2020–21 begins on April 1 and ends on March 31 (each fiscal year). The funding allocations will be directed to 11 superior courts representing 18 counties and involving 15 subcontractor agencies (i.e., local 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 November 17, 2017:

1. Approve the funding allocation and distribution of approximately \$755,000 to \$770,000 to the 11 superior courts for federal grant fiscal years 2018–19 through 2020–21 (each federal fiscal year), as set forth in Attachment A.
2. Delegate authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any excess grant funds to any of the 12 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.
3. Modify 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 current 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.
4. Authorize 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.

Previous Council Action

The Judicial Council has applied for and distributed grant funds for the Access to Visitation Grant Program since 1997 as required by Family Code section 3204(a). At its April 25, 2014, meeting, the Judicial Council adopted a new funding methodology for California’s Access to Visitation Grant Program, effective FY 2015–16.

Under the approved funding methodology, Judicial Council staff was 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, www.courts.ca.gov/documents/jc-20141212-itemB.pdf). 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 fiscal year (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.

Rationale for Recommendation

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.¹ 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 approximately \$755,000 to \$770,000 for each federal fiscal year 2018–19 through 2020–21. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.³

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. The 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 approved the establishment of a Grant Review Group (GRG) that included representatives of the grantee programs (previous and currently funded) from both northern and southern regions and subject matter experts on the grant-related services. The role of the GRG was to read, score, and evaluate each grant application proposal using the scoring evaluation criteria outlined under sections 4.2 and 4.2.1 of 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 who 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 2018–19 through 2020–21

On June 14, 2017, the Judicial Council Center for Families, Children & the Courts (CFCC) released an open, competitive request for proposals (RFP) grant application for federal fiscal years 2018–19 through 2020–21 funding for Access to Visitation–related services: supervised

¹ The statistical data used to determine the formulaic distribution of funding to the states is based on the U.S. Census. The federal funding allocation formula is based on the number of single-parent households.

² Fam. Code, § 3204(b)(1).

³ The committee intends to review the current process over the next year to determine whether modifications in the grant award process approved under the Judicial Council's new funding methodology for the grant program might result in more courts seeking these funds and providing these services. If the committee determines that modifications would be beneficial, it will bring a recommendation to modify the process to the council prior to the next three-year funding cycle.

visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. Prior to the release of the RFP grant application, Judicial Council program staff conducted several webinars and conference call discussions with statewide family court services directors and managers, and child support professionals to prepare the courts and interested community-based justice partners for the open RFP process that would begin in June 2017.

The RFP grant application released and posted on both the California Courts and Judicial Resources Network websites on June 14, 2017. 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 2018–19 through 2020–21. The applicant webinars were designed to be consistent with recommendations received through the new funding methodology in FY 2015 regarding suggestions for improving the RFP grant application processes. Additionally, courts were permitted to submit by e-mail written questions regarding the RFP grant application after closure of the applicant’s webinars. Program staff posted questions and responses each week on the California Courts website. The deadline for the RFP grant application for federal fiscal years 2018–19 through 2020–21 was August 7, 2017.

Center for Families, Children & the Courts staff received 12 grant applications from the superior courts, which represented 19 counties and involved 19 subcontractor agencies (i.e., local court community-based service providers that will provide the direct services on behalf of the court to families). See Attachment B for a list of RFP applicant courts. The total funding request from the RFP applicant courts was \$930,000, and the total available statewide funds are \$755,000 to \$770,000 (subject to final federal allocation in early 2018) so the total request for funding exceeded available funds by \$160,000 to \$175,000. 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 \$928,087 to \$958,704, based upon recent funding history.⁴

Grant funding criteria and amounts

The grant funding categories are based upon the new methodology adopted by the Judicial Council at its April 25, 2014, meeting. 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.

⁴ The difference between the federal funding allocation of approximately \$928,087 to \$958,704 and the \$755,000 to \$770,000 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection 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. The final federal funding allocation amount for California will not reduce the superior courts’ grant amounts.

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 shall be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria:

- 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 is recommending that the seven highest scoring courts receive their full allocation of grant funding. Because the available funding is still uncertain, the committee is recommending that the eighth highest scoring court receive the full amount if the funds are available, but if not, that its allocation be reduced from the maximum eligible grant of \$60,000 to \$50,000 to reflect its inability to expend all of its funds in the past. The ninth, tenth, and eleventh highest scoring courts would each receive less than the full request based on the committee's evaluation of their relative needs and ability to expend the funds. One court was awarded no funding by the committee because its grant proposal was largely outside the allowable scope of the Access to Visitation program requirements in state and federal law. A summary with specific details regarding the grant application review and selection process is attached to this report as Attachment C.

Funding reallocation process

Historically, funds for the Access to Visitation program needed to be reallocated because courts lost their contract provider or opted to withdraw from the program before the end of the three-year grant cycle. To ensure that the unused allocations can be redistributed to the courts in a timely manner, the committee is proposing a three-step reallocation process that would bypass Judicial Council action and thereby make it easier for courts to expend the funds in a timely manner within the grant year because the federal grant funding is scheduled on an annual basis. If funds are available because any of the courts approved for funding in this report declined to accept the funds and enter into a contract, those unused funds would be reallocated to the remaining courts in the program or to the one court that was not funded by the Family and Juvenile Law Advisory Committee based on the needs of the program and a justification for funding that is clearly within the scope of the program.

If by midyear it becomes clear that any court will not be able to expend its full allocation, the remaining courts that applied for funding will be surveyed to determine their ability to use those funds, and authority to make reallocations based on their needs would be provided to the Family and Juvenile Law Advisory Committee. Finally, if funds are still unspent after those steps, Judicial Council staff would be authorized to develop a plan to use those funds for statewide services relating to the program that benefit all courts (e.g., training for supervised visitation providers) and to submit that plan to the Family and Juvenile Law Advisory Committee. This process will make the grant funds available to the courts on an expedited basis and increase the likelihood that grant funds are used for direct services to families.

Comments, Alternatives Considered, and Policy Implications

This proposal was not circulated for comment. 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 proposal that was also adopted by the council at that meeting. Input was provided including a public comment period, and alternatives were considered prior to the council's action at its meeting of April 25, 2014. The committee did consider awarding funds to all 12-applicant courts with proportional reductions to reflect the existing funding, but determined that this option would make it difficult for any court to operate a functioning program and result in the funding of one court for a program outside the allowable scope of the grant program.

Implementation Requirements, Costs, 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 data collection. The Judicial Council will execute contract agreements with the designated lead administering courts. The courts will then execute memoranda 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 set forth 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 2018–19 through 2020–21
2. Attachment B: Summary of RFP Grant Applicant Courts for Fiscal Years 2018–19 through 2020–21
3. Attachment C: Summary of RFP Grant Review and Selection Process for Fiscal Years 2018–19 through 2020–21
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

5. Link B: Family Code section 3204,

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3204.&lawCode=FAM

**Judicial Council of California
Operations and Programs Division
Center for Families, Children & the Courts**

ACCESS TO VISITATION GRANT PROGRAM

List of Superior Courts and Grant Award Amounts for Fiscal Years 2018–19, 2019–20, and 2020–21

Superior Courts of California	Proposed Grant Funding Allocation
Superior Court of Butte County	\$60,000
Superior Court of Del Norte County*	\$25,000
Superior Court of El Dorado County*	\$50,000–\$60,000
Superior Court of Inyo County*	\$35,000
Superior Court of Orange County	\$100,000
Superior Court of San Bernardino County	\$100,000
Superior Court of San Francisco County	\$100,000
Superior Court of Santa Clara County*	\$60,000–\$70,000
Superior Court of Shasta County	\$60,000
Superior Court of Tulare County	\$100,000
Superior Court of Yuba County	\$60,000
Total	\$755,000 to \$770,000 **

* The Superior Court of El Dorado County will not receive the full funding request, ranking eighth out of 11 courts that are eligible for grant funding under the application review. The court did not spend its full grant award allocation in fiscal years 2015–17. The actual grant funding amount for the Superior Court of El Dorado County will depend on final federal allocation.

* The Superior Court of Santa Clara County will not receive the full funding request, ranking ninth out of the 11 courts that are eligible for grant funding under the application review. The superior court's funding request was also reduced because the anticipated number of families to be served is uncertain, based on the proposed service delivery plan. The actual grant-funding amount for the Superior Court of Santa Clara County will depend on final federal allocation.

* The Superior Courts of Del Norte and Inyo Counties will not receive the full funding request, ranking 10th and 11th out of 11 courts eligible for grant funding under the application review.

** The total proposal grant funding allocation range is from \$755,000 to \$770,000, depending on the final federal allocation award to the state.

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Summary of RFP Grant Applicant Courts for Fiscal Years 2018–19, 2019–20, and 2020–21

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount	Proposed Grant Funding Allocation
1	Shasta	Shasta, Trinity	2	NO	X	X	X	X	196	60,000	60,000
2	San Francisco	San Francisco, San Mateo, Marin	3	BA	X	X			196	100,000	100,000
3	San Bernardino	San Bernardino	1	SO	X	X			193	100,000	100,000
4	Tulare	Tulare, Kings	2	NO	X				193	100,000	100,000
5	Orange	Orange	1	SO	X	X			189	100,000	100,000
6	Butte	Butte, Glenn	2	NO	X				183	60,000	60,000
7	Yuba	Yuba, Sutter	2	NO	X				183	60,000	60,000
8	El Dorado*	El Dorado	1	NO	X	X			179	60,000	60,000–50,000
9	Santa Clara*	Santa Clara	1	BA	X	X			179	100,000	70,000–65,000
10	Inyo	Inyo, Mono	2	NO	X				142	45,000	35,000
11	Del Norte	Del Norte	1	NO	X	X			104	45,000	25,000
	Subtotal		18							\$830,000	\$755,000 to \$770,000

1	Merced	Merced	1	NO			X		93	100,000	0
	Total		19							\$930,000	

* The Superior Courts of El Dorado, Santa Clara, Inyo, and Del Norte Counties will not receive the full funding request (see page 6 in report). The actual grant-funding amount for the Superior Courts of El Dorado and Santa Clara Counties will depend on the final federal allocation award to the state

**Judicial Council of California
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ACCESS TO VISITATION GRANT PROGRAM

**Summary of RFP Grant Review and Selection Process for Fiscal Years 2018–19, 2019–20,
and 2020–21**

Consistent with the new 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 2018–19, 2019–20, and 2020–21. The GRG volunteers included representatives of the grantee programs (previously or currently funded) from both northern and southern regions 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 at sections 4.2 and 4.2.1. 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.⁵

The RFP grant application selection criteria was based on evaluation criteria set forth in Family Code sections 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.⁶

Judicial Council program staff developed the RFP grant application proposal based on the evaluation criteria set forth under Family Code sections 3204(b)(1) and (2), and state and federal grant reporting requirements. The RFP grant application was posted on the California Courts and Judicial Resources Network websites. The RFP grant application released on June 14, 2017, and the deadline for the RFP grant application was August 7, 2017. Judicial Council program staff conducted several teleconferences with the courts and interested child support professionals and community justice partners prior to the release of the grant application proposal. In addition, program staff provided two grant applicant webinars for interested courts and justice partners to

⁵ Fam. Code, § 3204(b)(2).

⁶ *Ibid.*

assist with the grant application process.

GRG reviewers were local and statewide subject matter experts including family court services directors and managers, child custody mediators, domestic violence and child abuse experts, court executive officers, professional supervised visitation providers, parent educators, and several members from the council's Family and Juvenile Law Advisory Committee. To assist GRG reviewers with the grant application process, Judicial Council program staff conducted a GRG orientation teleconference prior to the review of any grant application proposals. Additionally, program staff provided GRG members with a *Grant Reviewer Instruction Guide* to assist reviewers with a general understanding of the federal and state Child Access and Visitation Grant Program and tips for reading the RFP grant application proposals.

At least six GRG reviewers read and evaluated each grant proposal. The six GRG reviewers were divided into two separate assigned groups based on the funding allocation cap (i.e., grant proposals eligible for \$45,000 and \$60,000 were reviewed by one group, and grant proposals eligible for \$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.** GRG reviewers 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 program supervisor working on the grant program did not score any grant applications.

Each reviewer had to read, evaluate, and score 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 at the Judicial Council on August 28, 2017. The primary purpose of the August 28, 2017, in-person GRG 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 application reviewer-rating sheet that detailed the group's consensus score and feedback comments. In the afternoon, all GRG reviewers convened to review, confer, and make final funding recommendations.

The GRG used a three-tier screening system. All grant application proposals were evaluated and scored according to a system of points, with each criterion in the RFP proposal 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. This meant that each court's application score determined its rank. The RFP grant application proposals were evaluated and scored on a scale of 0–200 points based on the following criteria:

1. Grant application format requirements: applications must follow the required instructions outlined under sections 3.2. (12 points)

2. Grant application proposal narrative section (total of 186 points)
 - A. RFP Grant Application Cover Page (16 points)
 - B. RFP Grant Application Program Abstract (15 points)
 - C. RFP Grant Application Program Description (total of 155 points)
 - Statement of Need (15 points)
 - Program Service Delivery (85 points)
 - Program Evaluation (including program logic model) (15 points)
 - Program Monitoring (10 points)
 - Program Sustainability (10 points)
 - Budget (20 points)
3. RFP Grant Application Bonus points (2 points)

Additionally, the RFP grant application stated that the GRG would evaluate each proposal based on the following values and principles:

- Overall responsiveness to each question;
- Efficient use of funds;
- Program services that reach the greatest number of families to be served;
- Programs with a demonstrated history of sound fiscal management and administration;
- Evidence of strong court and community support and collaboration; and
- Programs that maximize grant resources for overall cost effectiveness.

While 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 population and court size.