



Judicial Council of California

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-077

For business meeting on March 15, 2024

Title

Allocations and Reimbursements to Trial
Courts: Access to Visitation Grant Program
Funding Allocation for Federal Fiscal Years
2024–25 through 2026–27

Agenda Item Type

Action Required

Effective Date

March 15, 2024

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

February 21, 2024

Recommended by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulse, Cochair
Hon. Amy Pellman, Cochair

Contact

Shelly La Botte, 916-643-7065
shelly.labotte@jud.ca.gov

Gregory S. Tanaka, 415-865-7671
gregory.tanaka@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving the Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for federal grant fiscal years 2024–25 through 2026–27. 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. Subject to the availability of federal funds, the funding allocations will be directed to eight 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.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective March 15, 2024:

1. Approve the funding allocation and distribution of \$655,000 to eight of the nine superior courts that submitted applications for the Access to Visitation Grant Program for fiscal year (FY) 2024–25 through FY 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 February 9, 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.¹ Under the approved funding methodology, Judicial Council staff conduct an open competitive request for proposals (RFP) grant application process for the superior courts to apply for federal 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 receive three-year grants, and that the RFP grant application process be repeated every three years.

At its meeting on November 17, 2017, the Judicial Council modified the methodology to delegate authority to the Family and Juvenile Law Advisory Committee to approve reallocation and distribution of any unspent funds to eligible courts at midyear.²

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

¹ Judicial Council of Cal., Advisory Com. Rep., *Access to Visitation Grant Program: New Funding Methodology* (Apr. 25, 2014), www.courts.ca.gov/documents/jc-20140425-itemB.pdf.

² Judicial Council of Cal., Advisory Com. Rep., *Access to Visitation Grant Program: Funding Allocation for Federal Grant Fiscal Years 2018–19 through 2020–21* (Nov. 17, 2017), p. 2, <https://jcc.legistar.com/View.ashx?M=F&ID=5526793&GUID=1E232B38-3A39-44D0-AFF0-4D34DEAE2985>.

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.³ Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.

Grant application for FY 2024–25 through FY 2026–27

On September 8, 2023, the Judicial Council's Center for Families, Children & the Courts released an open, competitive grant application request for proposals for federal fiscal years 2024–25 through 2026–27 for Access to Visitation–related services. The application was posted on the California Courts and the Judicial Resources Network websites. Judicial Council program staff also provided two webinars for interested applicants on September 21 and October 5, 2023. Courts and interested community-based justice partners had an opportunity to ask specific questions regarding the application and its requirements for federal grant funding at the webinar, and to submit questions by email about the application process after the webinars. Program staff posted questions and staff responses each week on the Access to Visitation webpage of the California Courts website.

The Center for Families, Children & the Courts received nine 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 the courts that applied. The total funding request from the applicant courts exceeded the total available statewide 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, with \$655,000 available for grants.⁴

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 proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program.

A Grant Review Group of the Family and Juvenile Law Advisory Committee evaluated and scored each proposal. Review criteria are aligned with Family Code section 3204(b)(2) and may be found at Link A. The committee reviewed the proposal ranking and made allocation recommendations to the Judicial Council (Attachment A). Programs receive a maximum award

³ Fam. Code, § 3204(b)(1) (see Link B).

⁴ 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.

based on (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, per U.S. Census data.

Proposed grant awards

The committee recommends that eight of the nine superior courts that applied receive grant funding for FY 2024–25 through FY 2026–27, as set forth under Attachments A and B. The proposal from one court did not meet the grant criteria. Attachment A lists the recommended awards.

Policy implications

The Access to Visitation Grant Program is a statutory mandate of the Judicial Council.

Comments

Circulation for comment was not required.

Alternatives considered

Since the program is a Judicial Council mandate and the selection methodology is defined in statute and Judicial Council actions, no alternatives were considered.

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.

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/documents/AV-Grant-Application-FY2024-2027-Rating-Reviewer-Sheet.pdf
4. Link B: *Access to Visitation: Program Funding Allocation for Federal Grant Fiscal Years 2015–2016 through 2017–2018 (Nov. 21, 2014)*, 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.