



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

Title

Access to Visitation Grant Program: Midyear
Funding Reallocation for Fiscal Year 2017–2018

Agenda Item Type

Action Required

Effective Date

September 15, 2017

Rules, Forms, Standards, or Statutes Affected
N/A

Date of Report

August 25, 2017

Recommended by

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

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving the reallocation and distribution of unused Access to Visitation Grant funds for the contract period of fiscal year (FY) 2017–2018 (April 1, 2017, to March 31, 2018). Under established procedures adopted by the Judicial Council and described in the standard contract agreement with each superior court, funding will be distributed to those eligible courts currently receiving Access to Visitation Grant funds through the midyear reallocation process based on a documented need for additional funding when unused funds become available through a grantee court's withdrawal from the program and/or when a court does not spend its full grant award. Family Code section 3204(b)(2) requires the Judicial Council to determine the funding allocation awards to the superior courts.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 15, 2017 reallocate and distribute unused Access to Visitation Grant funds

to five of the nine eligible courts currently receiving such funds for the fiscal year 2017–2018 contract period.

See Attachment A for a list of superior courts and the proposed midyear reallocation amounts.

Previous Council Action

At its April 25, 2014, meeting, the Judicial Council adopted a new funding methodology for California’s Access to Visitation Grant Program, effective FY 2015–2016. 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 FY 2015–2016 through FY 2017–2018 funding, which it did on July 12, 2014. CFCC received 20 grant applications from the superior courts, representing 27 counties and 35 subcontractor agencies (i.e., local community-based service providers as justice partners under the grant program to provide the services on behalf of the courts to families).

At its December 12, 2014, meeting, the Judicial Council approved the funding allocation and distribution of approximately \$755,000 to \$770,000 (each federal fiscal year) to 11 superior courts for federal grant FY 2015–2016 through FY 2017–2018 funding. A summary of specific details regarding the grant application review and selection process is available in the Rationale for Recommendation section of the related Judicial Council report (see Link B, www.courts.ca.gov/documents/jc-20141212-itemB.pdf).

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 is a formula grant program based on each state’s number of single-parent households.¹ The resulting grants enable states to establish and administer programs that support and facilitate noncustodial parents’ access to and visitation with their children. 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

In December 2014, resulting from an open, competitive RFP and grant application process, the Judicial Council approved funding allocation awards to 11 superior courts for federal grant fiscal years 2015–2016 through 2017–2018 (i.e., three years of funding, subject to the availability of federal funding each fiscal year). The final year of the three-year funding cycle is the Access to Visitation contract period of FY 2017–2018.

¹ The statistical data (i.e., number of single-parent households) used to determine the formulaic distribution of funding to the states is based on U.S. Census data.

² Fam. Code, § 3204(b)1 (see Link C).

The federal funding for this program is extremely limited. Since inception of the program in 1997, funding has remained at a fixed level, and no increase is expected in the near future. In addition, the need for access-to-visitation services is higher than existing funding levels can meet. Under the Child Access and Visitation Grant Program, the federal Office of Child Support Enforcement is required to monitor and track whether states have spent their full grant award allocations for the fiscal year. Under federal guidelines, unused funds do not roll over to the next fiscal year but rather revert to the federal government.

Under the Judicial Council–approved funding methodology for the Access to Visitation Grant Program, grant funds that become available when a grantee court withdraws from the program or does not spend its full grant award are distributed to courts that are currently receiving Access to Visitation funds through a midyear reallocation process based on a needs assessment. Courts submit a justification for why they should receive additional funding, including completing a detailed questionnaire with the information needed to evaluate appropriate funding reallocation levels.

Funding reallocation amounts

As a result of the withdrawal of three superior courts from the grant program, \$160,000 in unused funds for the FY 2017–2018 contract period is available for midyear reallocation to courts currently receiving Access to Visitation funds.

A total of \$81,200 of additional FY 2017–2018 funding was requested from five of the nine courts currently receiving Access to Visitation Grant funding, if unused funds became available through the midyear reallocation process.³ Four of the grantee courts indicated they did not want additional grant funds if additional funding became available.

Based on the nine courts’ responses to the midyear reallocation questionnaire and because the unused funds available exceed the requested funds, the Family and Juvenile Law Advisory Committee recommends redistributing the \$81,200 in unused funds to the five eligible courts for the contract period of FY 2017–2018. In addition, the committee recommends using the approximately \$78,000 funds not spent by the currently funded Access to Visitation grantee courts to provide various statewide services that will benefit all courts, including supervised visitation program technical assistance, education and training to meet the statutory requirements of Family Code sections 3200.5 and 3202(a), and production of supervised visitation program brochures and policy and procedure materials for best practice implementation of Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). To ensure accountability regarding any unused funds for fiscal year 2017–2018, Judicial Council program staff will provide the advisory committee with

³ One of the three superior courts that withdrew for the fiscal year 2017–2018 contract period was in a collaborative partnership with another county superior court. At its July 27–28, 2017, meeting, the Judicial Council approved program funding reallocation from that lead administering court to the collaborative partner court, and thus, nine courts were eligible to receive the unused funds.

a plan for the approximately \$78,000 to be used for proposed resources and statewide technical assistance services to be provided to the superior courts.

A summary of the courts' midyear reallocation funding requests and the proposed distribution and reallocation of the unused funds to the eligible courts currently receiving Access to Visitation funding is in Attachment A.

Comments, Alternatives Considered, and Policy Implications

The Family and Juvenile Law Advisory Committee, which performs oversight functions for the grant program, considered taking no action but rejected this option because it would result in the reversion of unspent funds back to the funder. Taking no action would also deprive courts of the option of using these unspent funds to provide much needed service delivery for families waiting for the grant-related services. A number of courts commented in their questionnaires that inadequate funding continues to impede their ability to meet service demands and avoid waitlists.

Additionally, the advisory committee considered whether a different methodology was available for reallocating the unused grant funds but determined that the Judicial Council has, through the adopted funding methodology for the Access to Visitation Grant Program, approved the required process and procedures for reallocation of unused grant funds under the program. A detailed midyear reallocation questionnaire with documented justification for additional funding was completed by all of the requesting courts and used to develop the allocation recommendations.

Implementation Requirements, Costs, and Operational Impacts

The Judicial Council will execute an amended contract agreement with the superior courts awarded additional funding. The courts will then execute a revised memorandum 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. Grant recipients must also comply with all fiscal and administrative requirements, as well as grant terms and conditions provided 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 Proposed Grant Funding Reallocation Amounts for Fiscal Year 2017–2018
2. 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
3. Link C: Family Code section 3204,
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3204.&lawCode=FAM

Attachment A

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

ACCESS TO VISITATION GRANT PROGRAM

**List of Superior Courts and Proposed Grant Funding Reallocation Amounts for
Fiscal Year 2017–2018**

Superior Courts of California	Current Grant Funding Allocation (\$)	Midyear Reallocation Funding Requests (\$)	Proposed Midyear Reallocation Amount (\$)
Butte County*	60,000	0	0
Del Norte County*	45,000	0	0
Mono County*	45,000	0	0
Orange County	40,000	15,000	15,000
San Bernardino County*	100,000	0	0
San Francisco County	100,000	25,000	25,000
Shasta County	60,000	34,000	34,000
Tulare County	100,000	2,200	2,200
Yuba County	60,000	5,000	5,000
TOTAL	\$610,000	\$81,200	\$81,200

* The Superior Courts of Butte, Del Norte, Mono, and San Bernardino Counties did not request additional funding for the fiscal year 2017–2018 contract period.