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MR. MARTIN HOSHINO
Administrative Director,
Judicial Council

March 3, 2016

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Room 3021
Sacramento, California 95814

Mr. Daniel Alvarez
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: California's Access to Visitation Grant Program (Federal Fiscal Years 2014–2016): 2016 Report to the Legislature

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

Attached is the Judicial Council report required under Family Code §3204(d) regarding California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. The report includes information on the Access to Visitation Grant programs funded for federal fiscal years 2014–2016, and whether and to what extent those programs are achieving their goals.

Such goals include promoting and encouraging healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of children. The report contains no formal recommendations.

Ms. Diane F. Boyer-Vine
Mr. Daniel Alvarez
Mr. E. Dotson Wilson
March 3, 2016
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If you have any questions related to this report, please contact Ms. Diane Nunn, Director, Judicial Council Center for Families, Children & the Courts, at 415-865-7689.

Sincerely,



Martin Hoshino
Administrative Director
Judicial Council of California

MH/SLB/icb

Attachments

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Ken Spence, Special Assistant to Assembly Speaker Toni G. Atkins
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MR. MARTIN HOSHINO
Administrative Director,
Judicial Council

March 3, 2016

Report title: *California's Access to Visitation Grant Program*
(Federal Fiscal Years 2014–2016): 2016 Report to the Legislature

Code section: Family Code section 3204(d)

Date of report: March 1, 2016

The Judicial Council has submitted a report to the Legislature in accordance with Family Code section 3204(d). The following summary of the report is provided under the requirements of Government Code section 9795.

The Judicial Council is charged with administering and distributing California's share of federal Child Access and Visitation Grant Program funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.¹ These grants are established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2258) and enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children.

Funding for California's Access to Visitation Grant Program is limited by statute to three types of programs: supervised visitation and exchange services, parent education, and group counseling. Federal funding allocation to states is based on the number of single-parent households. On February 21, 2014, the Judicial Council approved federal fiscal year 2014–2015 funding to 11 superior courts for California's Access to Visitation Grant Program and on December 12, 2014, the Judicial Council approved federal fiscal years 2015–2016 through 2017–2018 funding to 11 superior courts for this program.

¹ Fam. Code, § 3204(a).

March 3, 2016

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The report provides the Legislature with information on the local programs funded in federal fiscal years 2014–2016 under California’s Access to Visitation Grant Program, including whether and to what extent those programs are achieving their goals. Such goals include promoting and encouraging healthy parent and child relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of children. The report also provides a snapshot of the number and demographics of clients served by the statewide program during the grant funding period. The report contains no formal recommendations.

The full report can be accessed here: www.courts.ca.gov/7466.htm.

A printed copy of the report may be obtained by calling 415-865-7739.

California's Access to Visitation Grant Program (Federal Fiscal Years 2014–2016)

2016 REPORT TO THE LEGISLATURE



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

California's
Access to Visitation Grant Program
(Federal Fiscal Years 2014--2016)

MARCH 2016



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

This report is available on the California Courts website:

www.courts.ca.gov

For additional copies or more information about this report, please call the Center for Families, Children & the Courts at 415-865-7739, or write to:

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Introduction

California's Access to Visitation Grant Program provides funding, training, and technical support to the superior courts statewide for court-ordered supervised visitation and exchange services; parent education, including education about protecting children during family disruption; and group counseling services in family law cases. These family law cases typically involve issues related to domestic violence, child abuse and child neglect, mental illness, risks of child abduction, and parent and/or child safety and protection concerns. The nature and complexity of these issues call for secure facilities, well-trained professional staff, and the ability of the courts' subcontractor agencies to ensure compliance with custody and visitation orders. In many communities, the availability and accessibility of such services are extremely limited, and cost prohibitive for many, if not most, parents. California's Access to Visitation Grant Program promotes and encourages parent-child relationships so that parents and children do not lose contact with each other. Without the federally funded program, many of these families may be unable to maintain a safe and healthy relationship with their children.

In response to the demand and need for these services, Congress established the Child Access and Visitation Grant Program to help states support and facilitate the noncustodial parents access to and visitation with their children. Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant Program 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. 104-193 (Aug. 22, 1996) 110 Stat. 2105) and to award this funding to the superior courts throughout California.¹

California Family Code section 3204(d) also directs the Judicial Council to:

[R]eport to the Legislature on the [Access to Visitation] programs funded. . . 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 . . .

This report provides the Legislature with information on the programs funded for federal fiscal years (FYs) 2014-2016 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.² The report also

¹ Fam. Code, § 3204(a).

² All references to fiscal year refer to the grant federal fiscal year unless otherwise indicated. The federal fiscal year is from October 1 through September 30, and the state grant funding cycle is from April 1 through March 31.

provides a snapshot of the number and demographics of clients served by the program during the grant funding period.

Although the report makes no formal recommendations, the existing inadequacy of program funding to ensure accessible services statewide is an ongoing challenge. The need for access to visitation services is high, and current funding levels cannot meet the demand for services.

Background

The Judicial Council is charged with administering and distributing California's share of federal Child Access and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.³ These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104–193 (Aug. 22, 1996) 110 Stat. 2258), enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. On February 20, 2014, the Judicial Council approved federal fiscal year 2014–2015 funding to 11 superior courts for California's Access to Visitation Grant Program; on December 12, 2014, the council approved funding for federal fiscal years 2015–2018 to 11 superior courts for California's Access to Visitation Grant Program. The 11 superior courts awarded funds in federal fiscal years 2014–2015 and 2015–2016 are the same superior courts, with the exception of Los Angeles, Mono, San Bernardino, and Shasta Counties.

Federal and State Program Goals

Congress' stated goal of the Child Access and Visitation Grant Program is to “remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become more involved in their children's lives.”⁴ Under the federal statute, Child Access and Visitation Grant funds may be used to:

[S]upport and facilitate noncustodial parents' access to and visitation [with] their children, by means of activities including mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision and neutral drop-off and pick-up), and development of guidelines for visitation and alternative custody arrangements.⁵

The use of the funds in California, however, is limited by state statute to three types of programs:⁶

³Fam. Code, § 3204(a).

⁴See 42 U.S.C. § 669b.

⁵*Ibid.*

⁶Fam. Code, § 3204(b)(1).

- Supervised visitation and exchange services;
- Education about protecting children during family disruption; and
- Group counseling services for parents and children.

The primary goals of California's Access to Visitation Grant Program are (1) to enable parents and children to participate in supervised visitation, education, and group counseling programs—irrespective of the parents' marital status and whether the parties are currently living separately permanently or temporarily;⁷ and (2) to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the children's health, safety, and welfare.⁸ The overarching policy goal of the grant program has been to ensure accessible and available services statewide for low-income families with children whose custody and visitation issues are now or have been before the family courts.

⁷ *Id.*, § 3203.

⁸ *Id.*, § 3204(d).

Funding Allocation to States

Funding allocations to states are based on the number of single-parent households.⁹ California receives the maximum amount of eligible funds (approximately \$940,000), which represents less than 10 percent of the total national funding. California is required under the grant to provide a 10 percent state match share. The Access to Visitation Grant Program courts and their subcontractors are required to provide a 20 percent (nonfederal) funding match. The match by the courts/subcontractors is intended to help supplement their federal grant funds and support long-term program growth (e.g., by seeking or leveraging private sector resources and foundation support).

Federal funds are awarded to the states effective October 1 of each federal fiscal year, and those funds are allocated to the courts for a 12-month period beginning the following April. The Access to Visitation Grant Program funding period for federal fiscal year 2014–2015 began on April 1 and ends on March 31 of each fiscal year (FY). The federal funding allocation to the state of California for federal FY 2014–2015 was \$946,641 and for federal FY 2015–2016 was \$936,378.¹⁰ In February 2014 and December 2014, the Judicial Council approved grant funding allocation and distribution of approximately \$776,549 statewide for the Access to Visitation Grant Program funding period for federal fiscal year 2014–2015 and approximately \$755,000 to \$770,000 for federal fiscal years 2015–2016 through 2017–2018.¹¹

Grant Funding Eligibility

Family courts throughout California are eligible to apply for and receive Access to Visitation Grant Program funds, which are 100 percent federal funds. Under the state's allocation process, the grants are awarded to the superior courts through a statewide request for proposals grant application procedure. The family law divisions of the superior courts are required to administer the programs. Applicants are strongly encouraged to involve multiple courts and counties in their proposed programs and to designate one court as the lead or administering court. Service provider agencies that wish to participate are not allowed to apply directly for these grant funds, but instead must do so as part of that court's Access to Visitation Grant Program application. Contract agreements are made only with the designated superior court.

⁹ The statistical data used to determine the formulaic distribution of funding to the states is based on the U.S. Census data. The federal funding allocation formula is based on the number of single-parent households.

¹⁰ Federal grant funding allocations to the states are based on a formula: the number of single-parent households based on the U.S. Census data. California's grant award allocation for federal fiscal year 2015 was \$936,378 and for federal fiscal year 2014 was \$946,641. The state of California received a reduction of \$10,263 in grant award funding for federal fiscal year 2015 based on the decreased number of single-family households for federal fiscal year 2015.

¹¹ The difference between the federal funding allocation to the state and the \$755,000–\$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. Funds have been allocated for these statewide services since inception of the grant program in 1997.

Eligible Grant Recipients of Services

The recipients of Access to Visitation Grant Program–related services are low-income separated, separating, divorced, or unmarried parents and their children who are involved in custody and visitation proceedings under the Family Code. Grant funds can be used only to serve noncustodial parents (i.e., noncustodial fathers and/or noncustodial mothers).¹²

Grant Funding Criteria and Amounts

In federal fiscal year 2003–2004, the Executive and Planning Committee, acting on behalf of the Judicial Council, approved a funding cap allocation scheme that set maximum grant funding levels based on county population. Small counties (population less than 250,000) were capped at \$45,000. Medium counties (population more than 250,000 but less than 1 million) were capped at \$60,000. Large counties (population of more than 1 million) were capped at \$100,000. The Judicial Council has maintained this funding cap methodology in its approval of subsequent Access to Visitation Grant Program funding allocations through the federal grant fiscal year 2014–2015.

On April 25, 2014, the Judicial Council approved a new funding methodology for California’s Access to Visitation Grant Program, effective federal fiscal year 2015–2016. The new grant funding cap and grant funding amounts were divided into three categories—maximum of \$45,000, maximum \$60,000, and maximum of \$100,000—and two demographic factors would be used to determine which of the above three funding categories apply to a given court: (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.

The number of persons below the federal poverty level is determined by using the percentage of persons below the poverty level for each county multiplied by the total county population using U.S. Census data. The number of single-parent households for each county also relies on U.S. Census data. Each of these factors is weighted equally, so the number of single-parent households in each county is multiplied by 50 percent and the number of persons below the poverty level in each county is multiplied by 50 percent. The combined number for each county is then grouped. The counties in the top third are eligible for up to \$100,000, the counties in the middle third are eligible for up to \$60,000, and the counties in the lower third are eligible for up to \$45,000 in funding.

Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants. The Judicial Council has approved both the allocation process and the amount of funds to be distributed to the courts since inception of the grant program in fiscal year 1997–1998.

¹² Supervised visitation and exchange services are for noncustodial parents (not custodial parents, grandparents, distant relatives, etc.). According to the goal of the federally funded Child Access and Visitation Grant Program, grant funding to the states is intended to increase opportunities for *biological parents who are not living in the same household as their children* to become involved in their children’s lives.

Midyear Reallocation

Under the Child Access to 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. Under federal guidelines, unused funds do not roll over to the next fiscal year but revert to the federal government. To ensure that all state grant funds would be spent, California's program instituted a midyear reallocation process in federal fiscal years 2003–2004 and 2004–2005. This process allows the state and applicant courts to assess spending to determine whether potential funds will be redistributed among the grantees.

Program Administration

During federal fiscal years 1997–1998 through 2000–2001, the California Department of Social Services (CDSS) was the lead agency and applicant for the federal grant funds. The administration of these funds was based on an interagency agreement between CDSS and the Judicial Council. Beginning in federal fiscal year 2000–2001, the Judicial Council was charged with overall responsibility for administering Access to Visitation Grant Program funds under Family Code section 3204(a).

In addition to the statutory provisions governing the administration of the grant funds, the grant program receives guidance from the Judicial Council's Executive and Planning Committee and Family and Juvenile Law Advisory Committee and the federal Administration for Children and Families. The Judicial Council's Center for Families, Children & the Courts (CFCC) has primary responsibility for managing the grant program.

Grant Service Areas

Family Code section 3204(b)(1) provides that the grant funds shall be used to fund supervised visitation and exchange services, education about protecting children during family disruption, and group counseling services for parents and children. For purposes of California's Access to Visitation Grant Program, supervised visitation is defined as "visitation between a noncustodial party and one or more children in the presence of a neutral third person." Supervised exchange service is defined as "the supervision of the transfer of the child from one parent to another for the purpose of visitation."¹³

Under Family Code section 3202(a), all supervised visitation and exchange programs must comply with all requirements of the uniform standards of practice for providers of supervised visitation set forth in standard 5.20 of the California Standards of Judicial Administration. Additionally, effective January 1, 2013, section 3200.5 was added to the Family Code and requires professional providers of supervised visitation to meet qualification and training requirements.

California law provides guidance on educational program activities related to protecting children during family disruption. This guidance includes education on parenting skills and

¹³ Judicial Council of Cal., Admin. Off. of Cts., *Data Collection and Reporting System Handbook, Access to Visitation Grant Program*, version 2 (2004), p. F-9.

the impact of parental conflict on children, ways to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.¹⁴

Group counseling services under the grant may include services for children as well as services for parents involved in child custody or visitation disputes regardless of marital status. The criteria for what constitutes an “eligible provider” for the purpose of providing supervised visitation and exchange services, education, and group counseling are outlined in the state statute.¹⁵

Promotion and Encouragement of Healthy Parent-Child Relationships

California’s Access to Visitation Grant Program has been instrumental in providing opportunities for noncustodial parents to establish healthy and positive relationships with their children. The grant-related services promote and encourage healthy parent-child relationships by improving parents’ compliance with court orders, facilitating contact between noncustodial parents and their children, teaching parents effective conflict resolution and communication skills for problem solving, and allowing opportunities for noncustodial parents and their children to maintain continued contact through safe and secure supervised visitation and exchange services administered by trained skilled professionals.

The grant further supports the goals of access to visitation program services by:

- Increasing opportunities for noncustodial parents to maintain a relationship with their children;
- Developing positive and effective parenting relationships;
- Establishing centrally located services so families have the opportunity to maintain family bonds, when appropriate;
- Providing a structured setting in which the parent-child contact is monitored and potential risks of abuse or violence are reduced; and
- Increasing the likelihood of financial support for children (i.e., increased child support payments).

Parent Education Programs

Parent education programs promote access and visitation of noncustodial parents with their children by teaching them how to put parenting agreements into effect that encourage and promote the best interest of their children. The grant program helps parents to develop healthy parent-child relationships, an understanding of how divorce and separation affect their children, and what they can do to make the situation easier for their children. These programs also help parents recognize and address the emotional consequences of separation and divorce by teaching them techniques and strategies for communicating with their

¹⁴ Fam. Code, § 3201(b).

¹⁵ *Id.*, § 3202(b)(2).

children. The parent education programs funded by California's Access to Visitation Grant Program have also helped noncustodial parents learn to identify and communicate their feelings and experiences about the divorce or separation, talk about changes in the family, understand the basic legal process of separation and divorce and custody decision-making, and use constructive methods for dealing with difficult situations.

Rebuilding and sustaining healthy parent-child relationships and providing opportunities for noncustodial parents to become more involved in the lives of their children, where appropriate, remain the focus of the grant program.

Program Monitoring

According to federal statute, states are required to annually monitor, evaluate, and report on programs funded through the grant in accordance with regulations prescribed by the Secretary of the Department of Health and Human Services (45 C.F.R. § 303.109 (1997)). California's Access to Visitation Grant Program draws on multiple resources and methods to monitor grantee programs. These resources include feedback from the courts, clients, community stakeholders, and service providers at local, regional, and state levels. Monitoring methods include site visits to county-court programs and nonprofit agencies to ensure the programs' compliance with state and federal grant requirements, questionnaires submitted to service providers, focus group and regional meetings (including an annual program administrators meeting and grantee orientation), and data collection and document analysis. Many of the grantees use client feedback surveys and questionnaires to assess the effectiveness of their service delivery.

In addition, all grantees are required to submit quarterly statistical data reports using California's Access to Visitation Grant Program Data Collection and Reporting System. The data collection system complies with state and federal grant reporting requirements. These reports provide information about the families served by the program. In addition to the quarterly statistical reports, grantees provide a biannual progress summary report that gives a thorough and accurate account of project activities and progress during the required reporting time period.

Furthermore, California's Access to Visitation Grant Program staff work closely with grantees to evaluate how effectively the funded programs are meeting the objectives of providing safe access for children and their parents. Grant program staff use a computer program logic model for qualitative and quantitative data in system evaluation. Feedback from this system is used to identify program strengths and weaknesses and to improve overall service delivery.

Grant Program Accomplishments

Since inception of the grant program in 1997, federal funding has remained at a relatively fixed level, and no increase is expected in the foreseeable future. The need for access to visitation services is high. Funding at existing levels cannot meet the current demand for services. However, California's Access to Visitation Grant Program has been dedicated to ensuring that the grant-related services are widely available, accessible, and affordable for

low-income families statewide. With the support of federal grant funding for federal fiscal years 2014–2016, free and low-cost sliding-scale services have now been made available in nearly half of the 58 counties, with 2,188 clients served under the grant program (the total number of clients include fathers, mothers, grandparents, and legal guardians). Additionally, of the clients served during federal fiscal years 2014–2016, grant recipient courts provided 16,809 in direct-service delivery hours for the grant-related services.

Given the funding limitations and the inability to meet unmet statewide needs, the Judicial Council’s CFCC Access to Visitation Grant staff has worked to develop various resource tools to assist grant recipient courts and local service providers statewide with program service delivery challenges, especially regarding best practice implementation on standard 5.20 of the California Standards of Judicial Administration (Uniform standards of practice for providers of supervised visitation) and Family Code section 3200.5. For instance, Judicial Council program staff provided approximately 10 standard 5.20 and Family Code section 3200.5 training and education programs to assist practitioners in meeting the statutory requirements. The trainings involved approximately 15 superior courts representing 26 counties and were attended by Access to Visitation grant recipients, court staff, professional providers of supervised visitation, and other multidisciplinary professionals. Additionally, as a means to maximize statewide participation and reduce training costs, program staff also conducted numerous webinar trainings that were provided in collaborative partnership with the California Association of Supervised Visitation Service Providers (CASVSP) and various superior courts. The training webinars were designed to address program operational challenges and new statutory requirements under standard 5.20, effective January 1, 2013, and January 1, 2015.

Currently, Judicial Council program staff is seeking to develop an online or distance learning module on standard 5.20 for professional providers and court staff and a train-the-trainer program that can be used to supplement other training that instructors need statewide to ensure accessible and affordable low-cost training. Moreover, numerous requests have been made by superior courts and local service providers statewide for Judicial Council program staff to develop a variety of operational policy and procedure tools for best practice implementation of standard 5.20. The following Access to Visitation Grant Program supervised visitation resources were developed in fiscal year 2015–2016 to provide technical assistance guidance to courts and providers statewide:

- Sample intake form (reproduced in Spanish, as well);
- Sample program service agreement (developed in partnership with CASVSP);
- Sample child abduction policy (developed in partnership with the California Child Abduction Task Force);
- Sample welcome letter—request for supervised visitation and exchange services;
- Sample temporary suspension and termination of services letter;
- Sample emergency card;

- Sample law enforcement policy; and
- New publication, “Supervised Visitation Services in California” (developed in partnership with CASVSP).

Grant Programs Funded for Federal Fiscal Years 2014–2016

RFP Grant Application for Federal FY 2014–2015

The Judicial Council is required to annually apply for federal Child Access and Visitation Grant funds and allocate funding to the superior courts for this federal grant program.

The Judicial Council at its December 13, 2013, meeting approved a one-year continuation funding methodology for allocating federal FY 2014–2015 Access to Visitation Grant Program funding to the courts previously approved for grant funding by the Judicial Council for federal FY 2013–2014. Eligible courts completed a simplified request for proposals (RFP) application as required by Family Code section 3204(b)(1). The RFP included the submission of the courts amount request for federal fiscal year 2014–2015. CFCC received 11 grant applications from the eligible superior courts, which represented 18 counties and involved 17 subcontractors (i.e., local community nonprofit service providers). The total funding request from the RFP applicant courts was \$776,549, matching the total available statewide funds for allocation exactly.

Courts that received grant funding for federal FY 2014–2015 are listed in Appendix A of this report.

RFP Grant Application for Federal FYs 2015–2018

The Judicial Council at its December 14, 2012, meeting approved the creation of an Access to Visitation Stakeholder Working Group charged with (1) proposing new funding methodology options for federal fiscal year 2014–2015 and (2) making final recommendations to the council on ways to streamline the grant application processes and develop alternatives that more equitably distribute funding while maintaining program objectives.

In 2013, the Access to Visitation Stakeholder Workgroup was formed, and at the Judicial Council’s meeting on December 13, 2013, the council approved a one-year extension for the Working Group tasked with proposing new funding methodology options for federal FY 2015–2016 and directed the Family and Juvenile Law Advisory Committee to circulate the proposed funding methodology to the courts and key stakeholders for comments before making recommendations to the council at its April 2014 meeting. The proposed funding methodology was circulated through an invitation to comment process from February 14, 2014, through March 4, 2014.

At its April 25, 2014, meeting, the Judicial Council approved, effective federal FY 2015–2016, the following new funding methodology under the grant program:

1. CFCC will conduct an open RFP process for the superior courts to apply for federal fiscal year funding for 2015–2016 in June or July 2014.
2. Subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding will receive continuation funding for three years (from federal fiscal years 2015–2016 through 2017–2018).
3. The RFP process will open up again in federal fiscal year 2018–2019 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.
4. Grant funding amounts will be divided into three categories: a maximum of \$45,000, a maximum \$60,000, and a maximum of \$100,000.
5. Two demographic factors will be used to 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.
6. Grant funds that may become available when a grantee court withdraws from the program or does not spend its full grant award would be distributed to courts that are currently receiving Access to Visitation grant funds through a midyear reallocation process based on a needs assessment of all requesting courts, with an opportunity given to courts to submit a justification for why they should receive additional funding.

On July 21, 2014, CFCC released an open, competitive RFP grant application for federal fiscal years 2015–2016 through 2017–2018 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. Before the release of the RFP grant application, Access to Visitation Grant Program staff participated in several conference call discussions with statewide family court services directors, managers, and supervisors to prepare the courts for the open RFP process that would begin in June or July 2014.

The RFP grant application was released and posted on both the California Courts and Judicial Resources Network (formerly, Serranus) websites on July 21, 2014. Program staff also provided four statewide applicants’ teleconferences for superior courts interested in applying for federal grant funding for federal fiscal years 2015–2016 through 2017–2018. The purpose of the applicants’ teleconferences was to provide an opportunity for courts to ask specific questions regarding the RFP grant application, grant program requirements, and terms and conditions for funding. The teleconferences were designed to be consistent with recommendations received through the new funding methodology regarding suggestions for streamlining and 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 workshop. Program staff posted questions and responses each week on the California Courts and Judicial Resources Network (formerly, Serranus) websites. The deadline for the RFP grant application for federal fiscal years 2015–2016 through 2017–2018 was September 12, 2014.

Judicial Council program staff received 20 grant applications from the superior courts, which represented 27 counties and involved 35 subcontractor agencies (i.e., local court community-based service providers that will provide the direct services on behalf of the court to families). The total funding request from the RFP applicant courts was \$1,449,411, and the total available statewide funds were approximately \$755,000 to \$770,000, so the total request for funding exceeded available funds by \$679,411 to \$694,411. A total of \$770,000 was allocated to the 11 superior courts for federal fiscal year 2015–2016 funding.

Courts that were approved for grant funding for federal FY 2015–2016 through 2017–2018 are listed in Appendix A of this report.

RFP Grant Review Process

The Judicial Council is required to determine the final number and amounts of grants.¹⁶ 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 Program 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, as follows:

- 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
- Promotion and encouragement of healthy parent-and-child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children

To ensure a fair and unbiased selection process, the council’s Family and Juvenile Law Advisory Committee approved the establishment of a Grant Review Group (GRG). The role of the GRG reviewers was to read, score, and make proposed funding allocation recommendations to the Judicial Council’s Family and Juvenile Law Advisory Committee, which would subsequently make recommendations to the Judicial Council Executive and Planning Committee. The Judicial Council makes final determination on number and amount of grant funding allocations.

¹⁶ Fam. Code, § 3204(b)(2).

GRG reviewers were experts representing members of the advisory committee, professional subject-matter experts from CFCC, and several community-based service providers with supervised visitation, domestic violence, and child abuse expertise. All GRG reviewers participated in an orientation teleconference that was designed to:

- Provide reviewers with an overview of the review and selection process;
- Discuss the role and responsibility of GRG reviewers;
- Review the application reviewer rating sheet and evaluation criteria; and
- Address specific questions before review of the grant application proposals.

Additionally, GRG reviewers did not read or score grant application proposals from their own respective courts or counties. GRG reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on proposals submitted by their court or county agencies or organizations.¹⁷ Furthermore, Judicial Council program staff to the Access to Visitation Grant Program did not score any grant application proposals.

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: each court's application score determined its rank.

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 demonstrated history of sound fiscal management and administration
- Evidence of strong court and community support and collaboration
- Programs that maximize grant resources for overall cost effectiveness

¹⁷ To avoid the perception of a conflict of interest and to ensure an unbiased review of the grant application proposals, each GRG reviewer was asked to certify through the *Confidentiality and Conflict of Interest Form* that as an GRG reviewer he or she did not participate as a recipient official who personally assisted in developing, drafting, or reviewing any grant proposal submitted.

Although no points were awarded for the above evaluative factors, grant decisions sought to ensure that the program goals represent statewide geographical diversity in service delivery, including population and court size.

Access to Visitation Grant Data Collection: Program Service Delivery

Federal Grant Reporting Requirements

Under section 469B(e)(3) of the Social Security Act, as added by section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, states are required to monitor, evaluate, and report on programs funded through Child Access and Visitation grants.¹⁸ The purpose of this data requirement is to provide information to Congress on the progress of services provided under the Child Access and Visitation Grant Program, the goal of which is to “support and facilitate noncustodial parents’ access to and visitation with their children.”¹⁹

Each state is required to collect and submit an annual report including two types of data:

- *Program descriptions*, including service providers and administrators, service area, population served, program goals, referral process, voluntary or mandatory nature of the programs, types of activities, and length and features of the program
- *Participant characteristics*, including the number of referrals for each program, the number of participating individuals, and the number of persons who have completed program requirements through authorized activities²⁰

Grant recipients are required to collect data on one mandatory federal outcome measure: increased noncustodial parents’ time with children. This is defined as “an increase in the number of hours, days, weekends, and/or holidays as compared to parenting time prior to the provision of access and visitation services.”²¹

Additionally, effective federal FY 2013, two new data elements were added by the federal Office of Child Support Enforcement Child Access and Visitation Grant Program. One of the new data requirements, domestic violence safeguards, is mandatory for states, whereas the other data element, increased knowledge of effective coparenting strategies for parent education services, is voluntary for states to collect. California is collecting only the mandatory data element.

¹⁸ See 45 C.F.R. Part 303—Standards for Program Operations, www.acf.hhs.gov/programs/cse/access_visitation/regulation.htm.

¹⁹ State Child Access Program Survey: Guidance to States for Program Reporting, <https://dss.sd.gov/docs/victimservices/avsurveyguidance.pdf>.

²⁰ *Ibid.*

²¹ *Ibid.*

The Judicial Council contract agreement with the superior courts and the courts' subsequent memorandum of understanding agreement with their local service providers require that personal safeguards are in place for families served under the grant. The grant program also requires the local service provider to provide a description of how they ensure the safety and protection of domestic violence victims and their children through the grant program and whether the agency adheres to a specific family violence or domestic violence protocol and, if so, to specify the protocol that is used by the court or subcontractor.

California's Access to Visitation Data Collection and Reporting System

The Access to Visitation Grant Program changed its data collection efforts in federal fiscal year 2003–2004 to provide an automated data collection system that collects the federal required data elements. The data collection and reporting system is standardized across all the grant recipient courts in California. The grant recipients are required to collect data in a uniform, standardized manner, which prevents programs from misinterpreting or inaccurately reporting the federally mandated data elements. The data reported only include parents who receive direct services and service counts do not include multiple visits for the program services. Clients are counted only once per service category. Judicial Council program staff provide technical assistance support and training to grant recipient courts and their local services providers on the data collection system.

Federal Data Survey Summary for Fiscal Years 2014 and 2015

Table 1 is the state of California's summary of the Access to Visitation Grant Program data for federal FY 2014 (i.e., October 1, 2013, through September 30, 2014), and table 2 highlights California's grant program data for federal FY 2015 (i.e., October 1, 2014, through September 30, 2015). Please see the notes below table 2 that outline the collection methodology and limitations.

Table 1. Summary of AV Program Data: October 1, 2013–September 30, 2014

1. Clients Served

(The total number of clients include fathers, mothers, grandparents, and legal guardians. Each person is counted only once.)

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Custodial Fathers	No. of Noncustodial Mothers	No. of Custodial Mothers	No. of Grandparents & Legal Guardians
1,158	425	158	169	390	16

2. Children of Clients Served

(The total number of children involved includes only children of the biological parents and those under the care of grandparents and/or legal guardians.)

Total Number of Children in Common
875

3. Services Provided to Clients

(The total number of clients are those who received services under each category; some clients may have received more than one service and are counted only once under each service category. The frequency of service is not reported.)

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	27	153	1,003	0

4. Marital Status Between Biological Parents

(Marital status is counted between biological parents only and does not report the marital status of grandparents or legal guardians.)

Never Married to Each Other	Married to Each Other	Separated From Each Other	Divorced From Each Other	Data Not Reported
531	0	319	258	34

5. Annual Income

(Annual income reports the data for each client served: parents, grandparents, and legal guardians.)

Less Than \$10,000	\$10,000 to \$19,999	\$20,000 to \$29,999	\$30,000 to \$39,999	\$40,000 & Above	Data Not Reported
465	214	154	56	125	144

6. Race/Ethnicity

(Race/ethnicity reports the data for each client served: parents, grandparents, and legal guardians.)

American Indian or Alaska Native	Asian	Black or African-American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races	Data Not Reported
19	66	82	386	12	493	74	26

7. Source of Client Referrals to Services

(The source of client referrals to services is reported for each client served: parents, grandparents, and legal guardians.)

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
4	1,149	4	0	0	0	1

8. Outcome Data

(Outcome data is reported for biological parents only.)

Number of NCPs Who Gained Increased Parenting Time with Children
NCP mothers: 169
NCP fathers: 427

Table 2. Summary of AV Program Data: October 1, 2014–September 30, 2015

1. Clients Served

(The total number of clients include fathers, mothers, grandparents, and legal guardians. Each person is counted only once.)

Total No. of Clients Served	No. of Noncustodial Fathers	No. of Custodial Fathers	No. of Noncustodial Mothers	No. of Custodial Mothers	No. of Grandparents & Legal Guardians
1,030	377	142	195	300	16

2. Children of Clients Served

(The total number of children involved includes only children of the biological parents and those under the care of grandparents and/or legal guardians.)

Total Number of Children in Common
752

3. Services Provided to Clients

(The total number of clients are those who received services under each category; some clients may have received more than once service and are counted only once under each service category.)

Mediation	Parenting Plans	Counseling	Parent Education	Neutral Drop-off	Supervised Visitation	Visitation Enforcement
0	0	0	58	161	837	0

4. Marital Status Between Biological Parents

(Marital status is counted between biological parents only and does not report the marital status of grandparents or legal guardians.)

Never Married to Each Other	Married to Each Other	Separated From Each Other	Divorced From Each Other	Data Not Reported
517	0	237	221	39

5. Annual Income

(Annual income reports the data for each client served: parents, grandparents, and legal guardians.)

Less Than \$10,000	\$10,000 to \$19,999	\$20,000 to \$29,999	\$30,000 to \$39,999	\$40,000 & Above	Data Not Reported
443	223	108	54	91	111

6. Race/Ethnicity

(Race/ethnicity reports the data for each client served: parents, grandparents, and legal guardians.)

American Indian or Alaska Native	Asian	Black or African-American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races	Data Not Reported
25	52	86	333	16	415	73	30

7. Source of Client Referrals to Services

(The source of client referrals to services is reported for each client served: parents, grandparents, and legal guardians.)

Self	Court	Child Support Agency	Domestic Violence Agency	Child Protection Agency	Other	Data Not Reported
9	1,011	1	1	0	3	5

8. Outcome Data

(Outcome data is reported for biological parents only.)

Number of NCPs Who Gained Increased Parenting Time With Children
NCP mothers: 171
NCP fathers: 377

Important Data Collection Note

The data collection reporting period is federal fiscal year October 1 through September 30 of each data reporting year. The Access to Visitation Grant Program funding period is April 1 through March 31 of each budget year. Therefore, the data collection period spans part of two grant funding periods (October 1 through March 31 of the preceding federal budget year and April 1 through September 30 of the current grant funding period). As a result, there is often a gap in service delivery by the applicant courts and their local service providers until each court receives its contract agreement from the Judicial Council for the appropriate Access to Visitation Grant Program funding period.

Inadequate funding and increasing demands for services impede the courts' and local service provider's ability to expand or maintain current service delivery levels for parents and children. The cost of service delivery continues to steadily increase, while federal funding has remained stagnant since the inception of the grant program in 1997. As costs rise, current funding levels will result in fewer clients being served and waiting lists will be unavoidable.

Hours of Service Delivery

The number of service delivery hours from grant recipient service providers is highlighted in table 3. The methodology for counting the time spent on various services varies depending on the service type. The hours indicated in table 3 under supervised visitation include only the time of the actual supervised visitation contact between the noncustodial parent and child; they do not include transition time or other essential program components, such as time spent on intake, orientation, or administrative tasks. However, the hours indicated for supervised exchanges do include the total time spent during each exchange session, including the time that staff spent waiting for the parent to arrive. The reporting of service hours for parent education and group counseling services is based on the time spent providing services in a group setting. For each session, programs complete a summary form that captures the number of noncustodial and custodial parents, the number of families served, the number of sessions held, and the hours spent providing the service for each type of group session.

The hours of service delivery are collected and reported by the State of California to provide a more accurate picture of overall service delivery by grant recipient courts and their local service providers. For instance, supervised visitation and exchange services require more time of program staff and time spent with the parents (e.g., visitation sessions over a longer period of time) because these services are more intensive versus parent

education services, which are often provided in a single workshop completed at the end of the class. The parent education class/workshop and visitation session is counted once by the data collection requirement; however, the noncustodial parents in supervised visitation receive more hours of visitation with their child.

Access to Visitation supervised visitation services are provided to families where unsupervised visits can pose serious safety concerns. Local service providers are required to ensure the safety and welfare of clients served under the grant. The practice of assuring safety often requires staff to spend increased time working with the parent and child to ensure that reasonable safeguards are in place before the scheduled visitation session. Such precautions include programs using two staff (versus one) for the scheduled visit and ensuring that visits do not exceed two hours in duration. In addition, supervised visitation and exchange services require highly trained, skilled staffing to address the multifaceted issues associated with custody and visitation disputes in family law cases.

Table 3. Number of Service Delivery Hours

California Grant Service Areas	California October 1, 2013, through September 30, 2014	California October 1, 2014, through September 30, 2015
Group counseling	0	0
Parent education	67	176
Supervised exchange	1350	994
Supervised visitation	8836	5386
Total service hours	10,253	6556

Conclusion

The services provided by the grant recipient courts and their local subcontractors for California’s Access to Visitation Grant Program are critical to helping ensure the health, safety and welfare of parents and children. Despite the many accomplishments of California’s Access to Visitation Grant Program and the tireless efforts of the courts and subcontractors to identify and secure additional funding to support their services, inadequate funding continues to impede their ability to maintain current service delivery levels. The reduction of access to services means that the courts, together with their subcontractors, must struggle to meet the ever-increasing demand for services, the ever-increasing needs of families for *subsidized* financial assistance, and the limitations on affordable, available, and accessible services statewide. The demand for the grant-related services outpaces the resources available to offer the services.

To help address these statewide needs and challenges, the Access to Visitation Grant Program manager is working closely, as the judicial branch liaison, with the California Association of Supervised Visitation Service Providers, sponsor of Assembly Bill 1674, which added Family Code section 3200.5. The mission of CASVSP is to represent, assist,

promote, and support the delivery of supervised visitation services through quality leadership, training, collaborative partnerships, and compliance with professional standards of conduct and best practices.

The Access to Visitation Grant Program will continue to work closely with the federal Office of Child Support Enforcement, the council's Family and Juvenile Law Advisory Committee, courts, grant recipients, key stakeholders, and the state Legislature to actively seek diverse supplementary funding while ensuring the administration and operation of high-quality program services, to address programmatic challenges, and to enhance service delivery for all California families in need of access to visitation services.

Appendix A

**Superior Courts Awarded Grant Funding in Federal Fiscal Year
2014–2015**

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Regional Area*	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Grant Award Allocation
1	Butte	Butte and Glenn	2	1	NO	X				\$67,956
2	Contra Costa	Contra Costa and Alameda	2	1	BA	X	X			\$107,956
3	El Dorado	El Dorado and Alpine	2	1	NO	X	X			\$42,192
5	Mendocino	Mendocino and Del Norte	2	2	BA	X		X		\$52,956
6	Napa	Napa	1	1	BA	X	X			\$52,956
7	Orange	Orange	1	2	SO	X	X			\$107,956
8	Sacramento	Sacramento	1	4	NO	X				\$39,956
9	San Francisco	San Francisco and Marin	2	2	BA	X	X	X		\$107,956
10	Santa Clara	Santa Clara	1	1	BA	X				\$91,180
11	Tulare	Tulare and Kings	2	1	NO	X				\$67,956
12	Yuba	Yuba and Sutter	2	1	NO	X				\$37,529
	Subtotal	19	19	18						\$776,549

*Abbreviation key for Judicial Council regions: NO–Northern/Central Region; BA–Bay Area/Northern Coastal Region; SO–Southern Region.

Superior Courts Awarded Grant Funding in Federal Fiscal Years 2015–2016 through 2017–2018

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Region Service Area*	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Grant Award Allocation
1	Butte	Butte and Glenn	2	1	NO	X				\$60,000
2	El Dorado	El Dorado and Alpine	2	1	NO	X	X			\$45,000
3	Los Angeles	Los Angeles	1	2	SO	X	X			\$100,000
4	Mendocino	Mendocino and Del Norte	2	2	BA	X		X		\$60,000
5	Mono	Mono and Inyo	2	1	SO	X	X	X		\$45,000
6	Orange**	Orange	1	2	SO	X	X			\$40,000
7	San Bernardino	San Bernardino	1	3	SO	X	X			\$100,000
8	San Francisco	San Francisco and Marin	2	2	BA	X	X	X		\$100,000
9	Shasta	Shasta and Trinity	2	1	NO	X		X	X	\$60,000
10	Tulare	Tulare and Kings	2	1	NO	X				\$100,000
11	Yuba	Yuba and Sutter	2	1	NO	X				\$60,000
	Subtotal	19	19	17						\$770,000

* Abbreviation key for Judicial Council regions: NO–Northern/Central Region; BA–Bay Area/Northern Coastal Region; SO–Southern Region.

** The Superior Court of Orange County did not receive the full funding request, ranking 11th out of the 11 courts that were eligible for grant funding under the application review. The funding amount for the Superior Court of Orange County is at the maximum amount available based on the final federal funding allocation received.

Appendix B

California Family Code Sections 3200–3204

3200 [Development of Standards for Supervised Visitation]. The Judicial Council shall develop standards for supervised visitation providers in accordance with the guidelines set forth in this section. On or before April 1, 1997, the Judicial Council shall report the standards developed and present an implementation plan to the Legislature. For the purposes of the development of these standards, the term “provider” shall include any individual who functions as a visitation monitor, as well as supervised visitation centers. Provisions shall be made within the standards to allow for the diversity of supervised visitation providers.

(a) When developing standards, the Judicial Council shall consider all of the following issues:

- (1) The provider’s qualifications, experience, and education.
- (2) Safety and security procedures, including ratios of children per supervisor.
- (3) Any conflict of interest.
- (4) Maintenance and disclosure of records, including confidentiality policies.
- (5) Procedures for screening, delineation of terms and conditions, and termination of supervised visitation services.

(6) Procedures for emergency or extenuating situations.

(7) Orientation to and guidelines for cases in which there are allegations of domestic violence, child abuse, substance abuse, or special circumstances.

(8) The legal obligations and responsibilities of supervisors.

(b) The Judicial Council shall consult with visitation centers, mothers’ groups, fathers’ groups, judges, the State Bar of California, children’s advocacy groups, domestic violence prevention groups, Family Court Services, and other groups it regards as necessary in connection with these standards.

(c) It is the intent of the Legislature that the safety of children, adults, and visitation supervisors be a precondition to providing visitation services. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

3201 [First Enacted Section] Supervised Visitation Administration. Any supervised visitation maintained or imposed by the court shall be administered in accordance with Section 26.2 of the California Standards of Judicial Administration recommended by the Judicial Council.

3201.5 [Second Enacted Section] Administration of Programs; Definitions.

(a) The programs described in this chapter shall be administered by the family law division of the superior court in the county.

(b) For purposes of this chapter, “education about protecting children during family disruption” includes education on parenting skills and the impact of parental conflict on children, how to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.

3202 [Compliance with Requirements; Definitions]

(a) All supervised visitation and exchange programs funded pursuant to this chapter shall comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in Section 26.2 of the Standards of Judicial Administration as amended. The family law division of the superior court may contract with eligible providers of supervised visitation and exchange services, education, and group counseling to provide services under this chapter.

(b) As used in this section, “eligible provider” means:

(1) For providers of supervised visitation and exchange services, a local public agency or nonprofit entity that satisfies the Uniform Standards of Practice for Providers of Supervised Visitation.

(2) For providers of group counseling, a professional licensed to practice psychotherapy in this state, including, but not limited to, a licensed psychiatrist, licensed psychologist, licensed clinical social worker, or licensed marriage and family therapist; or a mental health intern working under the direct supervision of a professional licensed to practice psychotherapy.

(3) For providers of education, a professional with a bachelor’s or master’s degree in human behavior, child development, psychology, counseling, family-life education, or a related field, having specific training in issues relating to child and family development, substance abuse, child abuse, domestic violence, effective parenting, and the impact of divorce and interparental conflict on children; or an intern working under the supervision of that professional.

3203 [Programs and Counseling Administered by the Family Law Division]. Subject to the availability of federal funding for the purposes of this chapter, the family law division of the superior court in each county may establish and administer a supervised visitation and exchange program, programs for education about protecting children during family disruption, and group counseling programs for parents and children under this chapter. The programs shall allow parties and children to participate in supervised visitation between a

custodial party and a noncustodial party or joint custodians, and to participate in the education and group counseling programs, irrespective of whether the parties are or are not married to each other or are currently living separately and apart on a permanent or temporary basis.

3204 [Administration of Grant Funds]

(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.

Appendix C

California Standards of Judicial Administration, Standard 5.20

(a) Scope of service

This standard defines the standards of practice, including duties and obligations, for providers of supervised visitation under Family Code sections 3200 and 3200.5. Unless specified otherwise, the standards of practice are designed to apply to all providers of supervised visitation, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided. Each court is encouraged to adopt local court rules necessary to implement these standards of practice.

(Subd (a) amended effective January 1, 2015; previously amended effective January 1, 2007.)

(b) Definition

Family Code section 3200 defines the term "provider" as including any individual or supervised visitation center that monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person.

(Subd (b) amended effective January 1, 2015; previously amended effective January 1, 2007.)

(c) Type of provider

Who provides the supervision and the manner in which supervision is provided depends on different factors, including local resources, the financial situation of the parties, and the degree of risk in each case. While the court makes the final decision as to the manner in which supervision is provided and any terms or conditions, the court may consider recommendations by the attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, and therapists. As specified in Family Code section 3200.5, in any case in which the court has determined that there is domestic violence or child abuse or neglect, as defined in section 11165.6 of the Penal Code, and the court determines supervision is necessary, the court must consider whether to use a professional or nonprofessional provider based on the child's best interest.

(Subd (c) amended effective January 1, 2015; previously amended effective January 1, 2007.)

(d) Qualifications of nonprofessional providers

- (1) A "nonprofessional provider" is any person who is not paid for providing supervised visitation services. Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider must:

- (A) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
 - (B) Have proof of automobile insurance if transporting the child;
 - (C) Have no current or past court order in which the provider is the person being supervised; and
 - (D) Agree to adhere to and enforce the court order regarding supervised visitation.
- (2) Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider should:
- (A) Be 21 years of age or older;
 - (B) Have no record of conviction for driving under the influence (DUI) within the last 5 years;
 - (C) Not have been on probation or parole for the last 10 years;
 - (D) Have no civil, criminal, or juvenile restraining orders within the last 10 years; and
 - (E) Not be financially dependent on the person being supervised.

(Subd (d) relettered and amended effective January 1, 2015; adopted as part of subd (c).)

(e) Qualifications of professional providers

A “professional provider” is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The professional provider must:

- (1) Be 21 years of age or older;
- (2) Have no record of conviction for driving under the influence (DUI) within the last 5 years;
- (3) Not have been on probation or parole for the last 10 years;
- (4) Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
- (5) Have proof of automobile insurance if transporting the child;
- (6) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
- (7) Have no current or past court order in which the provider is the person being supervised;

- (8) Be able to speak the language of the party being supervised and of the child, or the provider must provide a neutral interpreter over the age of 18 who is able to do so;
- (9) Agree to adhere to and enforce the court order regarding supervised visitation;
- (10) Meet the training requirements stated in (f); and
- (11) Sign a declaration or *Declaration of Supervised Visitation Provider* (form FL-324) stating that all requirements to be a professional provider have been met.

(Subd (e) relettered and amended effective January 1, 2015; adopted as part of subd (c).)

(f) Training for providers

- (1) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider under this standard.
- (2) In addition, professional providers must receive 24 hours of training that includes the following subjects:
 - (A) The role of a professional provider;
 - (B) Child abuse reporting laws;
 - (C) Record-keeping procedures;
 - (D) Screening, monitoring, and termination of visitation;
 - (E) Developmental needs of children;
 - (F) Legal responsibilities and obligations of a provider;
 - (G) Cultural sensitivity;
 - (H) Conflicts of interest;
 - (I) Confidentiality;
 - (J) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence;
and
 - (K) Basic knowledge of family and juvenile law.

(Subd (f) amended and relettered effective January 1, 2015; adopted as subd (d) effective January 1, 2007.)

(g) Safety and security procedures

All providers must make every reasonable effort to assure the safety and welfare of the child and adults during the visitation. Professional providers should establish a written protocol, with the assistance of the local law enforcement agency that describes the emergency assistance and responses that can be expected from the local law enforcement agency. In addition, the professional provider should:

- (1) Establish and state in writing minimum security procedures and inform the parties of these procedures before the commencement of supervised visitation;
- (2) Conduct comprehensive intake and screening to understand the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit under this standard. If the child is of sufficient age and capacity, the provider should include the child in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child's developmental stage;
- (3) Obtain during the intake process:
 - (A) Copies of any protective order;
 - (B) Current court orders;
 - (C) Any Judicial Council form relating to supervised visitation orders;
 - (D) A report of any written records of allegations of domestic violence or abuse; and
 - (E) An account of the child's health needs if the child has a chronic health condition; and
- (4) Establish written procedures that must be followed in the event a child is abducted during supervised visitation.

(Subd (g) amended and relettered effective January 1, 2015; adopted as subd (d) effective January 1, 1998; previously amended and relettered as subd (e) effective January 1, 2007.)

(h) Ratio of children to provider

The ratio of children to a professional provider must be contingent on:

- (1) The degree of risk factors present in each case;
- (2) The nature of supervision required in each case;
- (3) The number and ages of the children to be supervised during a visit;
- (4) The number of people, as provided in the court order, visiting the child during the visit;

(5) The duration and location of the visit; and

(6) The experience of the provider.

(Subd (h) amended and relettered effective January 1, 2015; adopted as subd (e) effective January 1, 1998; previously amended and relettered as subd (f) effective January 1, 2007.)

(i) Conflict of interest

All providers should maintain neutrality by refusing to discuss the merits of the case or agree with or support one party over another. Any discussion between a provider and the parties should be for the purposes of arranging visitation and providing for the safety of the children. In order to avoid a conflict of interest, the professional provider should not:

(1) Be financially dependent on the person being supervised;

(2) Be an employee of the person being supervised;

(3) Be an employee of or affiliated with any superior court in the county in which the supervision is ordered unless specified in the employment contract; or

(4) Be in an intimate relationship with the person being supervised.

(Subd (i) amended and relettered effective January 1, 2015; adopted as subd (f) effective January 1, 1998; previously amended and relettered as subd (g) effective January 1, 2007.)

(j) Maintenance and disclosure of records for professional providers

(1) Professional providers must keep a record for each case, including the following:

(A) A written record of each contact and visit;

(B) Who attended the visit;

(C) Any failure to comply with the terms and conditions of the visitation; and

(D) Any incidence of abuse as required by law.

(2) Case recordings should be limited to facts, observations, and direct statements made by the parties, not personal conclusions, suggestions, or opinions of the provider. All contacts by the provider in person, in writing, or by telephone with party, the children, the court, attorneys, mental health professionals, and referring agencies should be documented in the case file. All entries should be dated and signed by the person recording the entry.

(3) If ordered by the court or requested by either party or the attorney for party or the attorney for the child, a report about the supervised visit must be produced. These reports should include facts, observations, and direct statements and not opinions or

recommendations regarding future visitation. The original report must be sent to the court if so ordered, or to the requesting party or attorney, and copies should be sent to all parties, their attorneys, and the attorney for the child.

- (4) Any identifying information about the parties and the child, including addresses, telephone numbers, places of employment, and schools, is confidential, should not be disclosed, and should be deleted from documents before releasing them to any court, attorney, attorney for the child, party, mediator, evaluator, mental health professional, social worker, or referring agency, except as required in reporting suspected child abuse.

(Subd (j) amended and relettered effective January 1, 2015; adopted as subd (g) effective January 1, 1998; previously amended and relettered as subd (h) effective January 1, 2007.)

(k) Confidentiality

Communications between parties and providers of supervised visitation are not protected by any privilege of confidentiality. Professional providers should, whenever possible, maintain confidentiality regarding the case except when:

- (1) Ordered by the court;
- (2) Subpoenaed to produce records or testify in court;
- (3) Requested to provide information about the case by a mediator or evaluator in conjunction with a court-ordered mediation, investigation, or evaluation;
- (4) Required to provide information about the case by Child Protective Services; or
- (5) Requested to provide information about the case by law enforcement.

(Subd (k) amended and relettered effective January 1, 2015; adopted as subd (h) effective January 1, 1998; previously amended and relettered as subd (i) effective January 1, 2007.)

(l) Delineation of terms and conditions

The provider bears the sole responsibility for enforcement of all the terms and conditions of any supervised visitation. Unless otherwise ordered by the court, the provider should implement the following terms and conditions:

- (1) Monitor conditions to assure the safety and welfare of the child;
- (2) Enforce the frequency and duration of the visits as ordered by the court;
- (3) Avoid any attempt to take sides with either party;
- (4) Ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times, and that discussions are audible to the provider;

- (5) Speak in a language spoken by the child and the noncustodial party;
- (6) Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's siblings;
- (7) Allow no discussion of the court case or possible future outcomes;
- (8) Allow neither the provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- (9) Allow no spanking, hitting, or threatening the child;
- (10) Allow no visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;
- (11) Allow no emotional, verbal, physical, or sexual abuse;
- (12) Allow no contact between the custodial and noncustodial parents unless ordered by the court; and
- (13) Ensure that the parties follow any additional rules stated by the provider or the court.

(Subd (l) amended and relettered effective January 1, 2015; adopted as subd (i) effective January 1, 1998; previously amended and relettered as subd (j) effective January 1, 2007.)

(m) Safety considerations for sexual abuse cases

In cases where there are allegations of sexual abuse, in addition to the requirements of (l), the provider should comply with the following terms and conditions, unless otherwise ordered by the court:

- (1) Allow no exchanges of gifts, money, or cards;
- (2) Allow no photographing, audiotaping, or videotaping of the child;
- (3) Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, hugging, wrestling, tickling, horse playing, changing diapers, or accompanying the child to the bathroom;
- (4) Allow no whispering, passing notes, hand signals, or body signals; and
- (5) Allow no supervised visitation in the location where the alleged sexual abuse occurred.

(Subd (m) amended and relettered effective January 1, 2015; adopted as subd (j) effective January 1, 1998; previously amended and relettered as subd (k) effective January 1, 2007.)

(n) Legal responsibilities and obligations of a provider

All nonprofessional providers of supervised visitation should, and all professional providers must:

- (1) Advise the parties before commencement of supervised visitation that no confidential privilege exists;
- (2) Report suspected child abuse to the appropriate agency, as provided by law, and inform the parties of the provider's obligation to make such reports; and
- (3) Suspend or terminate visitation under (p).

(Subd (n) amended and relettered effective January 1, 2015; adopted as subd (k) effective January 1, 1998; previously amended and relettered as subd (l) effective January 1, 2007.)

(o) Additional legal responsibilities of professional providers

In addition to the legal responsibilities and obligations required in (n), professional providers must:

- (1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation. The contract should inform each party of the terms and conditions of supervised visitation; and
- (2) Review custody and visitation orders relevant to the supervised visitation.

(Subd (o) amended and relettered effective January 1, 2015; adopted as subd (l) effective January 1, 1998; previously amended and relettered as subd (m) effective January 1, 2007.)

(p) Temporary suspension or termination of supervised visitation

- (1) All providers must make every reasonable effort to provide a safe visit for the child and the noncustodial party.
- (2) However, if a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.
- (3) All interruptions or terminations of visits must be recorded in the case file.
- (4) All providers must advise both parties of the reasons for interruption of a visit or termination.

(Subd (p) amended and relettered effective January 1, 2015; adopted as subd (m) effective January 1, 1998; previously amended and relettered as subd (n) effective January 1, 2007.)

(q) Additional requirements for professional providers

Professional providers must state the reasons for temporary suspension or termination of supervised visitation in writing and provide the written statement to both parties, their attorneys, the attorney for the child, and the court.

(Subd (q) amended and relettered effective January 1, 2015; adopted as subd (n) effective January 1, 1998; previously amended and relettered as subd (o) effective January 1, 2007.)

ATTACHMENT B

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 even-numbered 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.