

This information sheet provides information about the CARE Act and CARE Act proceedings.

1 Why am I being given these documents?

A family member, friend, or someone who has interacted with you due to your mental illness has filed a petition to begin CARE Act proceedings for you (the respondent). The petition asks the court to determine whether or not you qualify for services and treatment under the CARE Act. Based on a petition that was filed a court has found that you may qualify and is requesting additional information.

Note:

- You have been appointed an attorney, free of charge.
- Your court-appointed attorney will try to contact you about these proceedings using your last known location given to the court.
- You should make sure to keep your attorney updated with your contact information.
- You may also contact your attorney at any time. Your attorney's contact information is listed in item 5 on *Order for Care Act Report* (form CARE-105) and in item 4 of the *Notice of Initial Appearance—CARE Act Proceedings* (form CARE-110).
- You may also choose an attorney to represent you instead of the appointed attorney. If you choose your own attorney, you are responsible for paying their fees.

2 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE Act is a way to get court-ordered treatment, services, support, and a public housing plan for people with certain untreated severe mental illnesses, specifically schizophrenia spectrum or other psychotic disorders.

CARE Act proceedings involve outreach, meetings, and court hearings to determine whether you, the respondent, meet the eligibility requirements and to identify the services and supports you might need. One or more county agencies will be involved in the proceedings.

If the court determines that you have met the standards for CARE eligibility, you may work with the county behavioral health agency to develop a CARE agreement for services and supports. If you do not reach a CARE agreement with the county agency, the court will order a clinical evaluation of your mental health. After reviewing the evaluation, if the court determines you meet CARE eligibility, the court will order you and the county agency to develop a CARE plan.

3 What is CARE eligibility?

To be eligible for the CARE process, you need to be at least 18 years old, have a schizophrenia spectrum disorder or another psychotic disorder, and be currently experiencing a severe mental illness that has lasted for a long time, can make you do things that interfere with your life, and can make it impossible for you to live on your own for very long without treatment, support, and rehabilitation.

You also cannot be stabilized in a voluntary treatment program. Either it has to be unlikely that you will survive safely in the community without somebody watching over you and your condition is getting a lot worse, or you have to need services and supports to keep your symptoms from coming back or getting bad enough that you would probably become severely disabled or you or somebody else would get seriously hurt. Finally, it has to be likely that going through the CARE Act process would help you, and that nothing less restrictive than the CARE Act will make sure that you recover and stabilize.

4 What is a CARE agreement or CARE plan?

A CARE agreement and CARE plan are written documents that specify services designed to support you. They must be approved by court order. They may include clinical behavioral health care; counseling; specialized psychotherapies, programs, and treatments; stabilization medications; a housing plan; and other supports and services, directly and indirectly through a local government entity. Stabilization medications must not be forcibly administered.



4

A CARE agreement is a voluntary agreement between you and the county behavioral health agency after a court has found that you are eligible for the CARE program. The agreement is subject to court modification before approval.

If you are not able to enter into a CARE agreement, you will be asked to work with the CARE team to create a CARE plan. A CARE plan is an individualized range of community-based supports and services that is ordered by the court. A CARE plan can include the same elements as a CARE agreement to support your access to community-based services and supports.

5 Who is the petitioner?

The petitioner is the person who is asking the court to start CARE Act proceedings for you.

6 Who is the respondent?

You are the respondent, the person for whom the CARE Act proceedings are being requested.

7 What happens after the petition has been filed?

The court reviews the petition, decides whether you might be eligible for CARE Act proceedings, and may order a county agency to try to contact you, talk with you, and file a written report with the court within 14 business days, unless an extension is granted by the court. You and the petitioner will be sent notice if the court orders a report.

What happens if the county agency contacts me?

The county agency will ask you about your mental and physical health, the effects of your mental health on your life, whether services and treatment would be helpful, and whether you are willing to work with the county to get connected to services and treatment.

What will the report include?

A report will be submitted even if the county agency is not able to contact you. The report will include the following information:

- A determination of whether you meet, or are likely to meet, the eligibility requirements for the CARE Act process, including your mental health diagnosis and current condition, whether you need additional mental health services, and whether there are treatment options that would help you and be less restrictive than a CARE agreement or plan.
- The county's attempts and the results of the county's efforts to seek your voluntary participation in services and the county's conclusions about your ability to participate voluntarily in services.

What happens after the court receives the report?

After the court receives the report, it will either:

- **Dismiss the proceedings:** If the court finds, based on the petition and the county's report, that you are not eligible for CARE Act proceedings or that you are working willingly and effectively with the county agency and you have willingly enrolled or are likely to enroll in behavioral health treatment, the court will dismiss the case; or
- **Set an initial appearance (court hearing):** If the court finds that the county's report shows that you probably meet the requirements for CARE Act proceedings and the county's contacts with you were not able to connect you with voluntary behavioral health treatment, the court will set an initial appearance.

Note: The court has appointed an attorney for you who will contact you at the beginning of the CARE Act proceedings. If the court sets an initial appearance, you will get notice of the date, time, and place of the hearing and additional information.



8 What happens at the initial appearance and the hearing on the merits?**At the initial appearance:**

- You may replace your court-appointed attorney with an attorney that you choose.
Note: If you choose your own attorney, you are responsible for paying their fees, if any.
- You have the right to appear in person. You can choose to give up your right to attend personally, and your attorney can appear on your behalf.
- If you do not indicate through your attorney that you are choosing not to attend and you do not appear, and the court makes a finding on the record that reasonable attempts to encourage you to appear have failed, there may be a hearing without you, if the court finds that would be in your best interests.
- The petitioner must be present at the initial appearance, or the petition may be dismissed.
- A representative from the county behavioral health agency will be present.
- If the original petitioner is not the director of a county behavioral health agency, the petitioner will be replaced by the director of the county behavioral health agency, or their designee, who will take over as the petitioner.
- The court may appoint a supporter of your choosing. A supporter is someone to help you understand the process and communicate what you want and need. You can choose your supporter but you are not required to have one. For more information, see item **11**, below.
- If you are enrolled in a federally recognized Indian tribe or otherwise receiving services from an Indian health care provider, a tribal court, or a tribal organization, a representative from the program, the tribe, or the tribal court is allowed to be present if you consent. The tribal representative is entitled to notice by the county of the initial appearance.
- The court will set a hearing on the merits of the petition.

- The hearing on the merits of the petition may happen at the same time of the initial appearance on the petition but only if you (the respondent), the petitioner, and the court agree.

At the hearing on the merits:

The court will determine if you meet the CARE Act criteria. In making this determination, the court will consider all evidence properly before it, including the report from the county agency and any additional evidence presented by the parties, including the petition and any information you provide.

- **If the court finds that you *do not* meet the CARE Act requirements:** The court will dismiss the petition without prejudice unless the court makes a finding, on the record, that the original petitioner's filing was not in good faith.
- **If the court finds that the petitioner has shown that you *do* meet the CARE Act requirements:** The court will order the county behavioral health agency to work with you, your attorney, and your supporter, if you have one, to participate in behavioral health treatment and determine if you and the behavioral health agency will be able to enter into a CARE agreement. The court will also set a case management hearing.

Note: If you are enrolled in a federally recognized Indian tribe and you want a tribal representative to attend the case management hearing, you should notify the tribe of the date, time, and place of the hearing.

9 What rights do petitioners have?

If the petitioner lives with you; is your spouse, parent, sibling, child, or grandparent; or is someone who stands in the place of a parent, that person has the right to participate during the hearing to determine the merits of the petition. The court may assign these petitioners ongoing rights of notice. If you agree, the court may allow the petitioner to participate in your CARE Act proceedings.

If the petitioner is someone not on the list above, they have the right to make a statement at the hearing on the merits of the petition but will not be assigned ongoing rights.



10 What rights do respondents have?

Once the CARE Act proceedings have started, you have the right to be informed of the proceedings, the right to take part in the proceedings, the right to be represented in all stages of the process, and other rights.

11 What is a "supporter"?

You have the right to choose a person to support you throughout the CARE Act process. The CARE Act calls that person a *supporter*. The court may appoint the person you have chosen as your supporter. The supporter's role is to assist you with understanding, communicating, making decisions, and expressing preferences throughout the CARE Act process.

With your consent, the supporter may be present at any CARE Act related proceedings.

Your supporter must:

- Respect your values and beliefs and support your preferences to the best of their ability.
- Communicate with you to help you understand and make informed decisions.

Your supporter must not:

- Act independently from you.
- Make decisions on your behalf unless necessary to prevent harm.
- Sign documents on your behalf.

You have a right to have a supporter throughout the CARE Act process.

12 What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use *Request for Interpreter (Civil)* (form [INT-300](#)) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

13 What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation Request* (form [MC-410](#)) to make your request.

You can also ask the ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)) or go to <https://selfhelp.courts.ca.gov/jcc-form/MC-410>.