



Community Assistance, Recovery & Empowerment (CARE) Court Overview

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Since the impact of the pandemic, gaps in Behavioral Health systems of care are becoming more apparent. [The Community Assistance Recovery and Empowerment \(CARE\) Act](#), also known as CARE Court, aims to provide those struggling with untreated mental health and/or co-occurring substance use disorders the support, treatment and care they need and deserve. The State requires all counties to implement this new law by the end of 2024.

CARE Court creates a new access point for mental health and substance use disorder services for those most impaired by their behavioral health conditions and so often experience homelessness or incarceration without treatment or supportive services. CARE Court aims to act early and get people the support they need and address underlying needs, without removing their rights to do so. CARE Court focuses on prioritization of the most vulnerable members of the community, providing access to critical behavioral health services, housing and support. CARE Court requires comprehensive care planning while honoring the self-determination of the individual as much as possible, and holds behavioral health systems accountable for delivering the necessary services and housing to maximize support for long term stability and recovery.

Frequently Asked Questions

What is The Community Assistance, Recovery, and Empowerment (CARE) Act?

Approved by the Governor in fall of 2022, the CARE Act, also known as CARE Court, authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other supportive services for adults who are currently experiencing a severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria.

How does CARE Court work? CARE Court connects a person struggling with untreated mental illness - and often also substance use challenges - with a court-ordered Care Plan for up to 24 months. Each plan is managed by a care team in the community and can include clinically prescribed, individualized interventions with several supportive services, medication, and a housing plan. The client-centered approach also includes a public defender and supporter to help make self-directed care decisions in addition to their full clinical team.

Is there a philosophy behind the CARE Court model? Yes. CARE Court is designed on the evidence that many people can stabilize, begin healing, and exit homelessness in less restrictive, community-based care settings. It's a long-term strategy to positively impact the individual in care and the community around them. The model focuses on people living with severe, untreated mental illness, who may also have substance use challenges, and who lack medical decision-making capacity and advances an upstream diversion from more restrictive conservatorships or incarceration.

Who is eligible to participate in CARE Court? The CARE Court program is meant to help adults experiencing specific types of severe, untreated mental illnesses. To be eligible for the CARE program, participants must meet all of the following criteria:

- 18 years or older
- Diagnosed with schizophrenia or other psychotic disorders
- Currently experiencing behaviors & symptoms associated with that severe mental illness
- Not receiving ongoing voluntary treatment

Not everyone will qualify for the CARE Court program. However, the Department of Behavioral Wellness provides [many additional services and supports that can help](#).

What if someone is not eligible for CARE Court? If someone you know needs help, there are other resources available.

- The Behavioral Wellness 24/7 Access Line can be reached by calling 888-868-1649 and is available for mobile crisis support, to access services for Medi-Cal beneficiaries, or to help link to other resources within the community
- Call or text 988 for the suicide and crisis lifeline for mental health related distress

Who can initiate a CARE Court referral? A petition can be initiated by family, county and community-based social services, behavioral health providers, or first responders. Individuals exiting a short-term involuntary hospital hold or an arrest may be especially good candidates for CARE Court. The Care Plan can be ordered for up to 12 months, with periodic review hearings and subsequent renewal for up to another 12 months. Participants who do not successfully complete Care Plans may, under current law, be hospitalized or referred to a conservatorship.

How does the CARE Court Program process work?

STEP ONE - Referral

The process begins when a family member, roommate, clinician, or other eligible person [files a CARE Act petition](#) with the Superior Court referring someone who needs help to the CARE program.

STEP TWO - Assessment

The court appoints a legal representative and will ask to include a client-chosen supporter to help the potential participant navigate the process. A clinical team will meet with the client in the community to determine whether they are eligible to take part in the CARE program.

STEP THREE - Developing a CARE Plan

If a person is deemed eligible for the CARE program, a CARE team (that may include clinicians, case managers, people with lived experience, and others) works with each participant to create a personalized treatment plan (that can include housing options, medications, counseling, and other services) and help with supportive decision making (which could include topics like a Psychiatric Advance Directive—a legal document that can be used by a person with mental illness to say what their treatment preferences are in case of a crisis). Review hearings will be scheduled periodically to assess the participant’s progress and ensure services are offered quickly.

STEP FOUR - Completion

Participants receive services for up to one year, which the court can renew for an additional year, if needed. At 11 months, CARE Court holds a one-year status hearing to determine whether the plan's services and resources should be extended for up to 12 more months.

STEP FIVE - Next Steps

The participant can continue with treatment, supportive services, and housing options in the community to support long-term recovery, even after they are no longer a CARE participant. Their supportive-decision-making materials can also stay in place for any future use.

Which organizations are involved with CARE Court in Santa Barbara County? The successful implementation of CARE Court relies on a strong collaboration between stakeholders across our county departments. These partnerships are essential to ensure that individuals receive the necessary supports and services through the entire CARE process. Key partners in Santa Barbara County involved in the implementation of CARE Court include:

- Superior Court
- County Executive Office
- Behavioral Wellness
- Public Defender
- Public Guardian
- District Attorney
- Sheriff's Office
- Probation
- County Counsel
- Community Services (Housing & Community Development)
- Social Services (Adult Protective Services)
- Legal Aid Foundation of SBC
- Local police agencies
- Community representatives

Court System

The Superior Court plays a crucial role in overseeing the CARE Court process, from accepting the petitions, scheduling the court dates, approving the Care Agreement/Plan, monitoring the individual's progress, and encouraging collaboration and compliance with CARE requirements.

Behavioral Health Professionals

Behavioral Wellness and community behavioral health and substance use disorder providers are essential in conducting assessments, attending, and providing support for court updates,

developing individualized Care Agreements/Plans, and providing the necessary treatment and support services in the courthouse and the community.

Housing Specialists

Housing experts help connect individuals with stable and affordable housing options which meet their needs. Stable housing is a critical component of long-term recovery, wellness, and overall health.

Public Defender

Public Defenders are important members of the CARE process. Public Defenders are assigned to support individuals as they navigate the court process, ensure their rights are protected, and advocate for their best interest aligned with their expressed wishes.

Hospitals and Medical Personnel

Hospitals, other medical facilities, and medical personnel (including EMTs) are important partners in providing acute care for individuals in crisis, as well as ongoing medical care including stabilization medications as outlined by the Care Agreement/Plan.

Local Government

Municipalities and local government agencies are vital in the implementation of CARE Court by providing resources, coordinating services, and facilitating community activities for individuals in the program. These partnerships are essential in creating a comprehensive and effective network of supports for individuals with severe mental health disorders who struggle with remaining connected to their supports when symptoms make it difficult.

Is there any cost to file a CARE Act Petition or participate in the CARE Program?

There are no costs to individuals to file a CARE Act petition. For participants, once their CARE Plan is developed, a number of factors will be taken into consideration, including their ability to pay, MediCare/Medi-Cal eligibility, and access to private insurance. Participants will need to check with their providers to determine their share of costs. No one will be turned away because of their inability to pay.

Who can file a CARE petition? Petitioners must be at least 18 years old and related to participant as a:

- Family member, roommate, or legally appointed guardian
- Licensed behavioral health professional who supervised their treatment in the last month
- Representative of a hospital, county behavioral health agency, public or charitable organization or home, California Indian health services program, or tribal behavioral health program who has recently provided services to the participant
- First responder—such as a paramedic, emergency medical technician, homeless outreach worker, mobile crisis response worker, police officer, or firefighter—who has had multiple interactions with the participant
- California tribal court judge
- Member of a county behavioral health, adult protective services or public guardian office
- The potential participant themselves

What resources are available for Care Court petitioners?

- [Information for Petitioners](#)
- [Petition to Commence CARE Act Proceedings \(CARE-100\) Form](#)

What rights do Care Court participants have? The CARE program is strictly voluntary. Its goal is to help residents get the support they need in the least restrictive way possible. It protects participants' rights to make their own decisions, giving them free legal representation and allowing them to select a supporter who can help them advocate throughout the process. Participants cannot be forced to participate in services against their will (including taking medication) and can leave the program at any time.

What happens if a participant chooses to leave the program without completing their CARE plan? There are no civil or criminal penalties for choosing not to participate. Participants who choose to leave the program remain eligible for a range of other services and supports either through the Department of Behavioral Wellness or other programs within the community.

How does CARE Court compare to LPS Conservatorship? The [Lanterman-Petris-Short \(LPS\) Act](#) and the CARE Court programs differ fundamentally in their approaches to providing mental health services to populations who are having difficulty in their care due to their mental health conditions. The LPS Act, enacted in California in 1967, governs involuntary civil commitment to mental health institutions for individuals deemed gravely disabled due to mental disorders. LPS Conservatorship can be long-term and involves restrictive services, with a court-appointed conservator making decisions for individuals when they're unable to care for themselves or manage their own financial affairs.

CARE Court was passed in 2022 aiming to provide services as an intervention strategy to avoid more restrictive placements. Instead of substitute decision-making, the CARE Court model emphasizes self-determination, empowering participants with the tools to make self-directed choices through the help of a CARE Supporter and an attorney representing the client. CARE connects a person with a court-ordered CARE Agreement/Plan for up to 12 months, potentially extendable for another 12 months.

In summary, CARE Court is community-based, advocates for the pursuit of less restrictive care settings, and aims to intervene before individuals end up in a state of severe impairment that might necessitate an investigation for LPS Conservatorship.

What if someone involved with CARE Court is in crisis? If a person involved with CARE Court is in crisis, the 24/7 Behavioral Wellness Access Line can be reached by calling 888-868-1649 and will dispatch a mobile crisis response team for help. If the person is overdosed, has a weapon or is actively hurting themselves or others, 9-1-1 should be called. It is the hope that through the support of CARE Court, individuals served by the program are able to remain in the community, with the ongoing support of crisis response support if needed.