

CONSUMER CENTER FOR HEALTH EDUCATION AND ADVOCACY

A Program of the Legal Aid Society of San Diego

CARE ACT

Community Assistance, Recovery, and Empowerment Act



Agenda

- Legal Aid Society of San Diego (LASSD)
- Our Behavioral Health team
- The CARE Act
  - Key Participants
  - Who can file a petition & who is eligible for CARE
  - What information to provide when filing
  - Services and benefits of CARE
  - Voluntary Participation
  - Expectations of the County
  - Common Claims & Misconceptions
  - Resources and additional information

About LASSD

- Legal Aid Society of San Diego is the largest non-profit civil law firm providing free legal services to low-income San Diegans
- Services are offered throughout San Diego County
  - North County Office (San Marcos)
  - Gregory Evans Knoll Midtown Office
  - Southeast San Diego (Euclid Office)
- **Call us at: 1-877-LEGAL AID (1-877-534-2524)**
- **1-877-734-3258 (Consumer Center)**

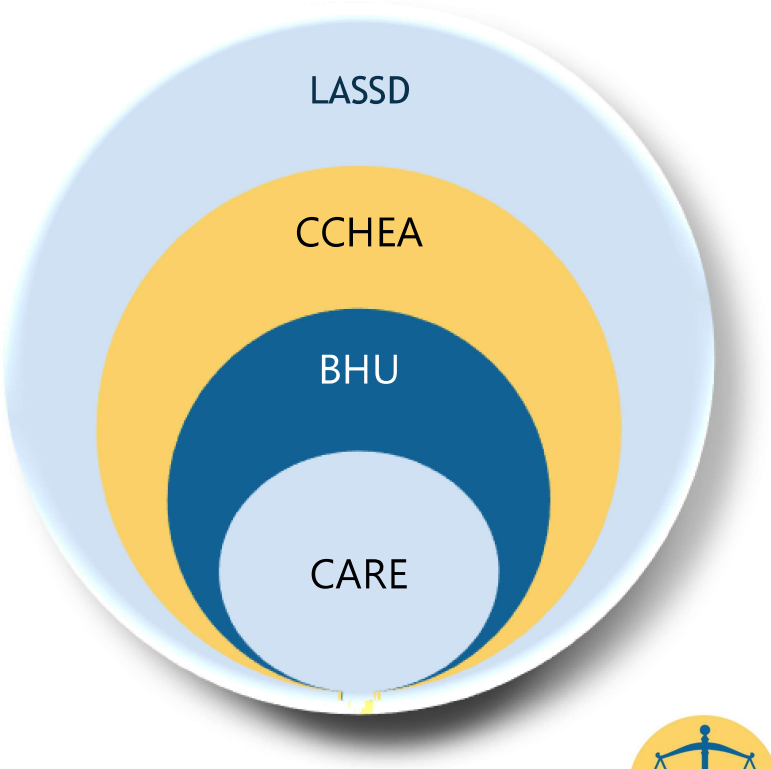
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Legal Services at LASSD

- Health (CCHEA)
- BHU/County Designated Patients' Rights Advocate
- Public Benefits
- Consumer Protection
- Housing
- Fair Housing
- Family
- Immigration
- Federal tax disputes
- Special Education Issues
- Pro Bono
- SSI

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Behavioral Health Unit



Grievance

- Any expression of dissatisfaction about a matter other than an adverse benefit termination.

Appeal

- A review of an adverse benefit determination (a decision to deny, reduce, or terminate services.)
- Can be expediated if a beneficiaries' health is in jeopardy.

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The CARE Act



The CARE Court Program (SB 1338) authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan that may include treatment, housing resources, and other services for persons with untreated schizophrenia and other psychotic disorders.



The CARE program connects a person with a court-ordered CARE plan or voluntary CARE agreement for up to 12 months, with the possibility to extend for an additional 12 months.

The Key Participants

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Petitioner – Person who files CARE Act petition with the court (WIC 5974)

Respondent - Person who is subject to the petition for the CARE process.

Volunteer Supporter – Assists Respondent understand, make, communicate, implement, or act on their own life decisions during the CARE process (WIC 5980)

Public Defender - The attorney appointed to represent the respondent in CARE Act proceedings and matters related to CARE agreements and CARE plans.

County Counsel – Representing Behavioral Health Agency

Judge – A neutral arbiter. Unless there is a dispute, will conduct care in informal, non-adversarial atmosphere.

Who Can File a Petition?

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An adult, 18 years or older that is:

- Someone who lives with Respondent
- Family member of Respondent
- Behavioral Health Professional (treated within last 30 days)
- First Responder or homeless outreach worker
- Client/ Respondent
- Director or designee of:
  - Hospital (where currently hospitalized)
  - Nonprofit provider or facility (treated/residing within last 30 days)
  - County BH agency
  - Office of Public Guardian/Conservator
  - Adult Protective Services



(see CARE 100 Form for full list)

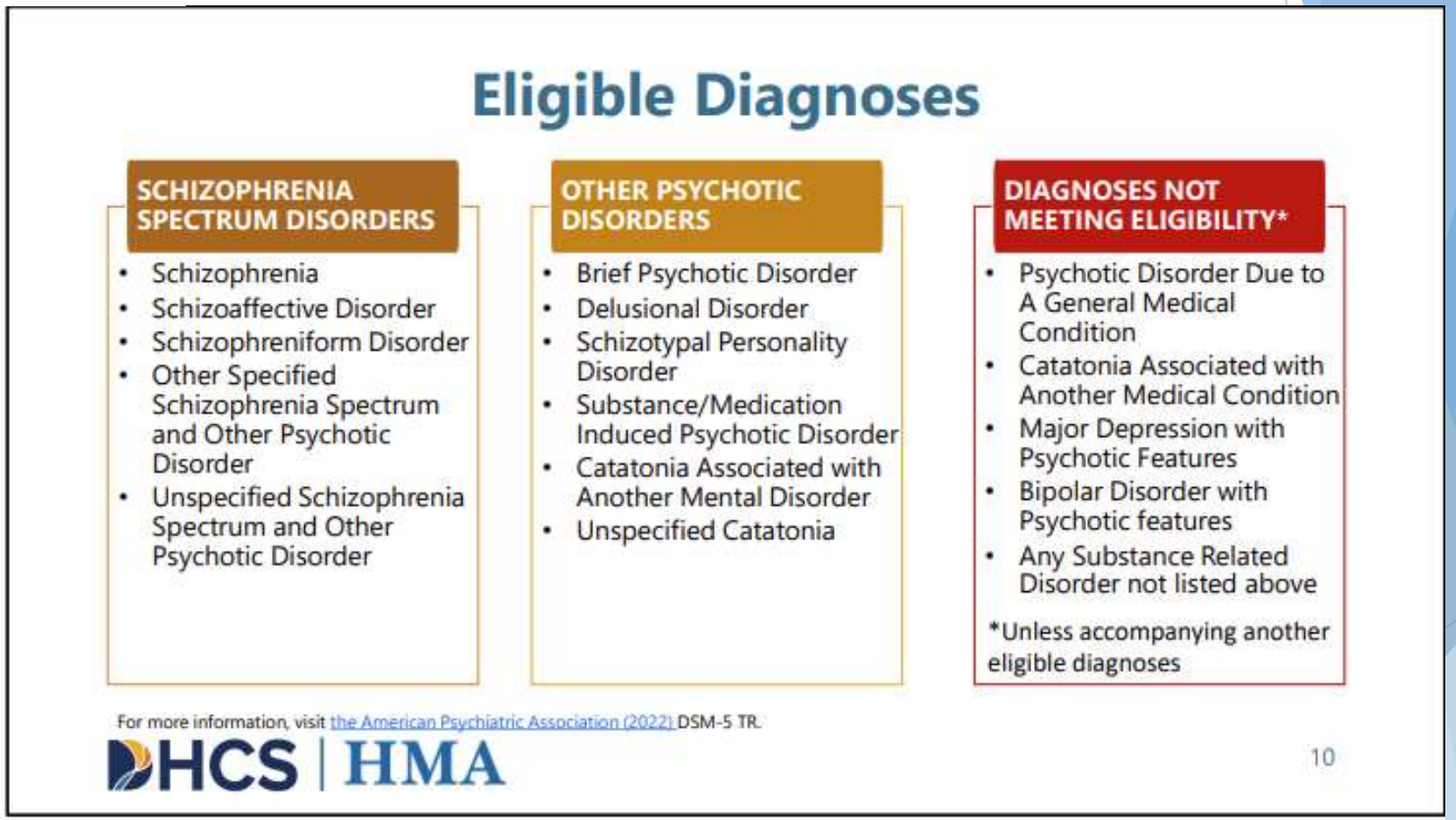
Respondent Eligibility Criteria

1. 18+ with diagnosis of Schizophrenia Spectrum or Other Psychotic Disorders
2. Severe and persistent symptoms that interfere with daily living
3. The person is not stabilized with ongoing voluntary outpatient treatment
4. Either unlikely to survive safely/independently in the community and the condition is deteriorating OR services and support are needed to prevent relapse or deterioration that would likely to result in grave disability
5. Participation in CARE Act is the least restrictive alternative, AND
6. The person will likely benefit from participating in a CARE plan or CARE agreement.

(Welfare Institutions Code § 5972)

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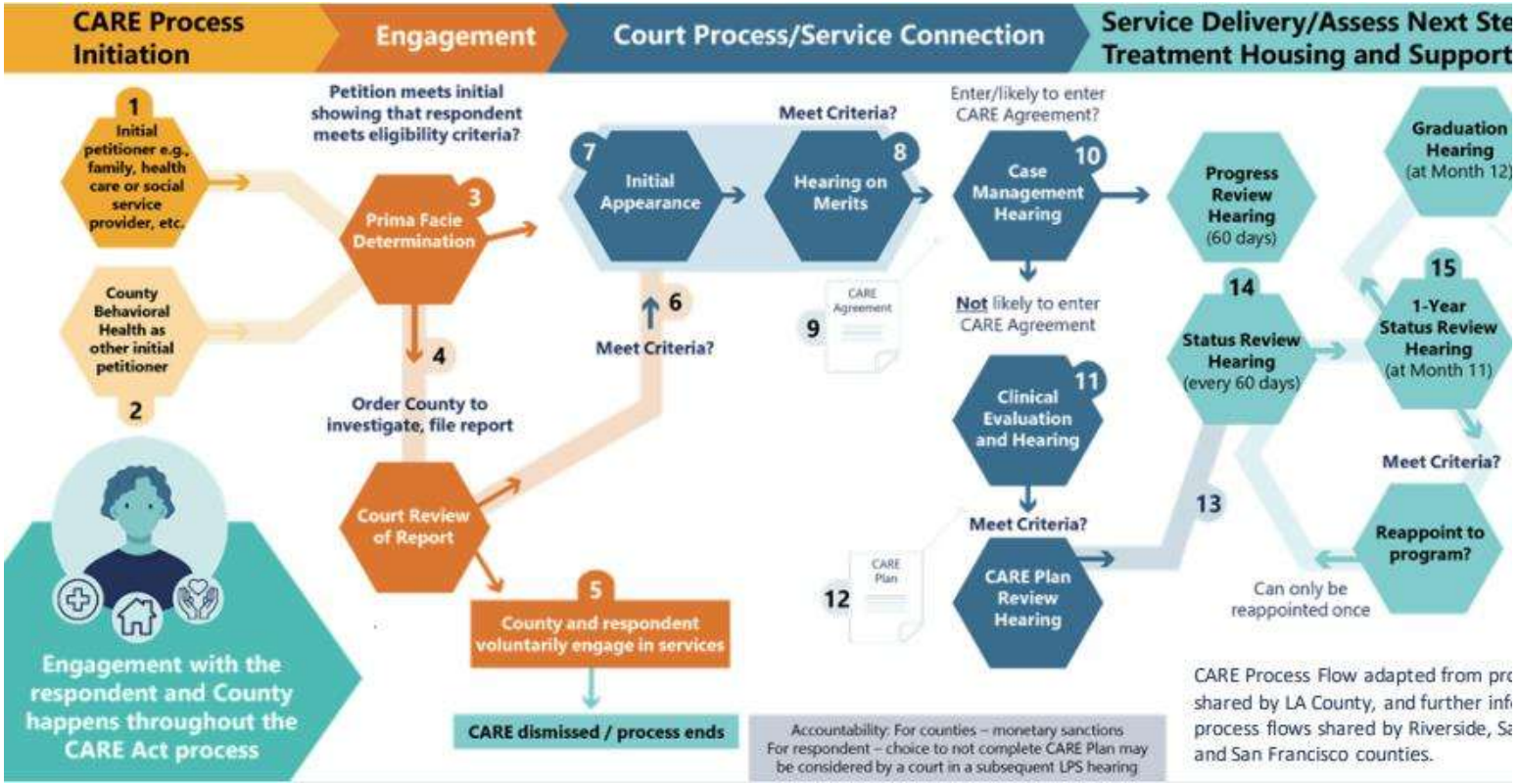


* Symptoms must be severe and persistent, interfering with daily functioning

What information is needed for the Petition?

- Respondent's name and address (or where they were last found)
- Confirmation that Respondent meets all 6 eligibility criteria
- The CARE 101 form and either:
  1. A mental health declaration (CARE 101 Form) by a licensed behavioral health professional stating that no more than 60 days prior to petition, they examined respondent (or made multiple attempts to) and determined they met eligibility, or
  2. Evidence that respondent was detained for at least two periods of **intensive treatment**, the most recent within past 60 days
     - Intensive treatment is defined as two 5250 hospitalizations (14-day hold), the second of which occurred within the last 60 days. 5150 holds for 72 hours or less do not help meet this criteria.
- Or petition via a CARE 102 - Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only*

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CARE Process Initiation
Engagement
Court Process/Service Connection
Service Delivery/Assess Next Ste
Treatment Housing and Support
1
Initial petitioner e.g., family, health care or social service provider, etc.
County Behavioral Health as other initial petitioner
2
Petition meets initial showing that respondent meets eligibility criteria?
3
Prima Facie Determination
4
Order County to investigate, file report
Court Review of Report
5
County and respondent voluntarily engage in services
CARE dismissed / process ends
6
Meet Criteria?
7
Initial Appearance
Meet Criteria?
8
Hearing on Merits
9
CARE Agreement
Enter/likely to enter CARE Agreement?
10
Case Management Hearing
Not likely to enter CARE Agreement
11
Clinical Evaluation and Hearing
Meet Criteria?
12
CARE Plan
CARE Plan Review Hearing
13
Progress Review Hearing (60 days)
14
Status Review Hearing (every 60 days)
Graduation Hearing (at Month 12)
15
1-Year Status Review Hearing (at Month 11)
Meet Criteria?
Reappoint to program?
Can only be reappointed once
Engagement with the respondent and County happens throughout the CARE Act process
Accountability: For counties – monetary sanctions
For respondent – choice to not complete CARE Plan may be considered by a court in a subsequent LPS hearing
CARE Process Flow adapted from pro
shared by LA County, and further inf
process flows shared by Riverside, Sa
and San Francisco counties.

CARE provides respondents with a clinically appropriate, community-based set of services and supports that are culturally and linguistically competent. This includes clinically appropriate behavioral health care, stabilization medications, wellness and recovery supports, connection to social services and housing.



Respondents served by CARE will need a diverse range of housing, including clinically enhanced interim or bridge housing, licensed adult and senior care facilities, supportive housing, or housing with family and friends. The court may issue orders necessary to support the respondent in accessing housing, including prioritization for these services and supports.

What does a Respondent in CARE Receive?

What if Respondent chooses not to participate?

The respondent's failure to comply with an order shall not result in a penalty outside of this section, including, but not limited to, contempt or a failure to appear.

The Court may utilize existing authority under the LPS Act to ensure the respondents safety.



Failure to complete CARE Plan may be used against respondent in conservatorship proceedings within 6 months of termination of CARE Plan.

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What if the County does not provide court-ordered CARE Plan?

If the judge finds that the county substantially failed to comply, they may issue an order imposing a fine up to $1000 per day, not to exceed $25,000 for each individual violation.

Funds will be deposited into the CARE Act Accountability Fund to serve individuals who have schizophrenia spectrum or other psychotic disorders and who are experiencing, or are at risk of, homelessness, criminal justice involvement, hospitalization, or conservatorship.

If 5+ reports of noncompliance within one year, then judge may appoint a special master to secure court ordered care for the respondent at the county's cost.

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Common Claims About the Program

Common Claims	Accurate Messages
☒ CARE Act will allow the Court to mandate treatment.	☑ • CARE Act is a new pathway to voluntary treatment. • A CARE Plan can be established for one year, with the potential for one additional renewal year.
☒ The CARE Act program is for anyone with a behavioral health condition.	☑ • CARE Act is limited to a very small group of people. • To be eligible, a person must have diagnosed schizophrenia or another psychotic disorder and not be in treatment.
☒ The CARE Act program is designed only for people experiencing homelessness.	☑ • Some people with a CARE Plan may be unhoused or experiencing housing instability. • Housing support may be part of a CARE Plan. • The program is not set up to specifically address homelessness (not a required criteria for eligibility).

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Self-Help Services for CARE Act Petitioners & Respondents

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There are four CARE Act self-help centers that provide answers to CARE Act procedural questions, assist with forms, and explain legal options. They cannot give you legal advice or represent you in court. Services are free and provided on a first come, first served basis.

North County

Location: North County Courthouse, Main Building (South Entrance), 325 South Melrose Drive, Vista, CA 92081

South County

Location: South County Courthouse, 500 Third Avenue, Room 155, Chula Vista, CA 91910

East County

Location: East County Courthouse, 250 E. Main Street 1st Floor, El Cajon, CA 92020

Downtown San Diego

Location: Hall of Justice, 330 W. Broadway, 2nd Floor (Room 251), San Diego, CA 92101

For More Information...

- Call the **San Diego Access and Crisis Line (ACL)** for community resources, mental health referrals, and alcohol and drug support services.
  - 1-888-724-7240
- For more **CARE Act** resources and trainings, visit https://care-act.org
- **CalHHS Working Group Meetings**
  - Meets quarterly during the implementation of the CARE Act through December 31, 2026.
- **www.sdcourt.ca.gov/careact** for CARE Act Forms and Supporting Documentation and information on where/how to file a petition.



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Our Materials and Survey:

LASSD and CCHEA Brochures:

Our Presentation Survey:

Also, check out the LASSD's CARE Court Page

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Questions and Thanks!

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