



Community Assistance, Recovery and Empowerment: The CARE Act

Community CARE Court Education Session



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**



**ALAMEDA COUNTY
PUBLIC DEFENDERS**



What is CARE Act Court?

- The Community Assistance, Recovery and Empowerment Act (CARE Act) is a legislation that authorizes CARE Court, a new civil court process to ensure that individuals most impacted by mental health challenges receive the services that they need.
- The purpose of CARE Court is to engage individuals most impacted by mental health challenges in community-based treatment to avoid unnecessary crisis, hospitalization, homelessness, and incarceration.
- The CARE Act Court civil court process allows Judges to order eligible individuals to participate in a CARE agreement or plan provided by a CARE team for up to 12 months with the possibility to extend for an additional 12 months.

Why CARE Act Court?

- Although homelessness has many faces in California, among the most tragic is the face of the sickest who suffer from treatable mental health conditions— [CARE Court] aims to connect these individuals to effective treatment and support, mapping a path to long-term recovery.

- CalHHS

- The CARE Act provides **a critical new on-ramp into the behavioral health system** for a population of people that are the hardest to reach. Basic human dignity requires us to put our full effort into helping get care for people struggling with severe mental illness on our streets.

- Senator Susan Talamantes
Eggman (D-Stockton)

Who is Eligible for CARE Act Court?

- The person is 18 years of age or older.
- The person is currently experiencing a severe mental illness...and has a diagnosis identified in the disorder class: schizophrenia spectrum and other psychotic disorders, including substance induced psychosis.
- The person is not clinically stabilized in on-going voluntary treatment.
- At least one of the following is true:
 - The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating, and/or
 - The person needs services and supports to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others, as defined in Section 5150.
- Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure the person's recovery and stability.
- It is likely that the person will benefit from participation in a CARE plan or CARE agreement

Who can file a CARE Act Petition?

- A respondent may self-petition.
- A person with whom the person resides.
- A spouse, parent, sibling, child, or grandparent or is in individual who stands in loco parentis to the respondent.
- The hospital where a person is receiving treatment, including psychiatric hospitalization.
- The agency that has provided within the past 30 days or who is currently providing behavioral health services to the respondent or in whose institution the respondent resides.
- A licensed behavioral health professional who has supervised the treatment or been treating the respondent for a mental illness within the past 30 days.
- The county behavioral health agency of the county in which the respondent resides or is found.
- A first responder, including a peace officer, firefighter, paramedic, emergency medical technician, mobile crisis response worker, or homeless outreach worker, who has had repeated interactions with the respondent
- The public guardian or adult protective services
- California Indian health services program or California tribal behavioral health department
- The judge of a tribal court that is located in California, or their designee.

What Services are included in a CARE Act Agreement/Plan?

- Behavioral health services
- Medically necessary stabilization medications
- Housing resources and support
- Social services – such as
 - Supplemental Security Income/State Supplementary Payment (SSI/SSP),
 - Cash Assistance Program for Immigrants (CAPI),
 - CalWORKs,
 - California Food Assistance Program,
 - In-Home Supportive Services program, and
 - CalFresh
- Services that provide aid and relief to indigenous people

Roles & Responsibilities

Alameda County Behavioral Health will be responsible for:

- Oversee the implementation of CARE Court in collaboration with the Superior Court, Public Defender, County Counsel, Alameda County Health, and Bay Area Community Services (BACS)
- Review each court order for CARE investigation and engage the person
- Co-facilitate CARE Court meetings
- Ensuring that mental health services identified in the person's CARE agreement/plan are being provided
- Track each CARE Court participant for three years and provide quarterly reports to the Department of Health Care Services
- File petitions for CARE Court from the Behavioral Health Department (BHD)

Roles & Responsibilities

Public Defender will be responsible for:

- Represent everyone who is referred to CARE Act Court.
- Be available to answer questions and hear any concerns that the respondent may have.
- Advocate for what the respondent wants.
- Explain process and procedures and guide the respondent through all interactions with the court.
- Protect the respondents' privacy and confidential information.
- Help the respondent navigate the interaction between CARE Court and other court case.

Office of the County Counsel will be responsible for:

- Advise and help Behavioral Health Department (ACBHD) navigate CARE Act legal process.
- File petitions, reports, and other documents on behalf of ACBHD.
- Attend court hearings.

Roles & Responsibilities

Alameda County Superior Courts will be responsible for:

- To provide resources to assist with the filing of petitions and a business process by which petitions may be filed.
- To provide a dedicated judge and calendar to hear petitions filed and make determinations regarding eligibility.
 - CARE Act Court will be held **every Thursday** starting December 12, 2024 at 10 AM, in Department 103 at Wiley W. Manuel Courthouse (661 Washington Street, Oakland, CA, 94607).
- To provide a forum to monitor participant's progress and employ the court and the judge as a motivating factor in the participant's success in treatment.

Alameda County Superior Courts Self-Help Center will be responsible for:

- To provide resources and assistance through phones, live chat, workshops, remote/phone, and in person appointments.
- To provide education, information, and referrals related to CARE Act.
- To explain CARE Act procedures.
- To provide links to CARE forms for those who wish to complete the forms themselves, review completed CARE petitions and assist to complete CARE petitions.

File a CARE Act Court Petition



When:

- Beginning Thursday, November 28, 2024, for E-Filed petitions
- Beginning Monday, December 2, 2024, petitions may be filed in-person petitions at three courthouse locations

How to obtain filing forms:

- All 3 courthouses have printed CARE Act Court documents to file in-person
- To download documents online - <https://www.courts.ca.gov/forms.htm>

Steps to File in-person

For more information:

[File a CARE Act Court Petition | Superior Court of California | County of Alameda](#)

File in-person, drop box, or mail. In person filings is accepted at any of the following court locations:

- Rene C. Davidson Courthouse: 1225 Fallon Street, Oakland, CA 94612
- Berkeley Courthouse: 2120 Martin Luther King, Jr. Way, Berkeley, CA 94704
- Hayward Hall of Justice: 24405 Amador Street, Hayward, CA 94544

In-person filing is open from 8:30 am – 3:00 pm, Monday – Friday

Drop box filing is open from 3:00 pm – 4:00 pm, Monday – Friday

If filing by drop box or mail, please include a self-addressed stamped envelope.



1

Fill Out Form CARE-100 Petition to Commence CARE Act Proceedings

Download and complete form [CARE-100](#), and

2

Form CARE-101 Mental Health Declaration or Provide Evidence of Treatment

Completed [CARE-101 Mental Health Declaration](#) from a licensed behavioral health provider,

Or

Attach evidence, to CARE-100 form, that the person in need of services was detained for a minimum of two periods of intensive treatment ([WIC 5250 hold process](#)) and the most recent event occurred within the past 60 days.

For assistance completing forms or filing a petition, please visit the [Alameda County Superior Court Self-Help Center](#). Assistance is available via Phone, LiveChat, or Appointment for personalized support.

Please note that forms are also available in Chinese, Korean, Spanish, and Vietnamese as informational only. Only the English version can be filed with the court.

3

Submit Forms to the Court

CARE Act Court petitions are filed in Probate.

Alameda County Superior Court Filing Locations



Rene C. Davidson Courthouse
1225 Fallon Street, Oakland, CA 94612



Berkeley Courthouse
2120 Martin Luther King, Jr.
Way, Berkeley, CA 94704



Hayward Hall of Justice
24405 Amador Street,
Hayward, CA 94544

How to E-File



1. Fill out your documents

2. Select an E-Filing Service Provider (EFSP):

<https://www.alameda.courts.ca.gov/e-filing-service-providers>



3. Follow the EFSP's steps for filing*

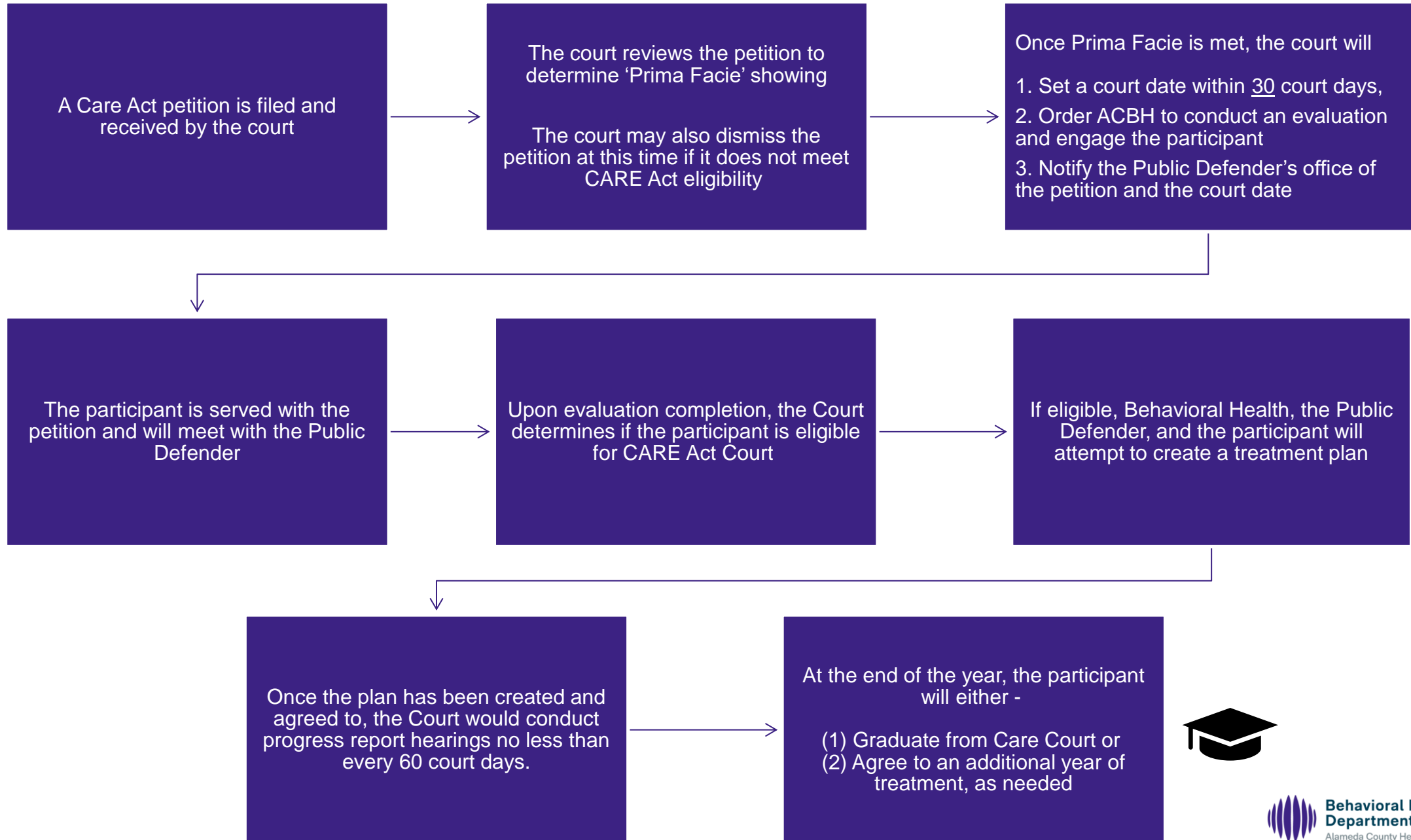
*Case Type = Probate Case Category = CARE Act Proceeding
E-Filing for CARE Act is at no cost, but a convenience fee may be charged (\$5)



4. Monitor your email or E-Filing account for your filed documents

More information can be found at:

<https://www.alameda.courts.ca.gov/online-services/e-filing>



What if someone doesn't participate in a CARE Agreement/Plan?

If an individual with a CARE plan doesn't participate in the services in their CARE plan, the judge can end their participation in CARE Act Court

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

The respondent's failure to participate in the CARE Act process will be considered in any subsequent hearings under the LPS Act that occur within 6 months, and shall create a presumption at that hearing that the respondent needs additional intervention beyond the supports and services provided by the CARE plan

Helpful Resources



For any questions, please contact:
CAREActCourt@alameda.courts.ca.gov

- CARE (Community Assistance, Recovery, and Empowerment) Act Court Resources - <https://selfhelp.courts.ca.gov/care-act>
- Alameda County Superior Court's CARE Act Webpage - <https://www.alameda.courts.ca.gov/care>
- Alameda County Behavioral Health - <https://www.acbhcs.org/wp-content/uploads/2023/03/ACBH-Director-Presentation-March-2023.pdf>
- Information about the CARE Act on the Judicial Council of California Website - <https://www.courts.ca.gov/48654.htm>
- Information about the CARE Act from the California Health & Human Services Agency - <https://www.chhs.ca.gov/care-act/>
- How to Prepare your CARE Petition using a guided interview - <https://lawhelpinteractive.org/Interview/InterviewHome?templateId=5525>



**Behavioral Health
Department**
Alameda County Health



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