

Solano County CARE ACT

Community Assistance, Recovery, and Empowerment (C.A.R.E.)



Overview

Community Assistance, Recovery, and Empowerment (CARE) Act

- New civil court process under the oversight of a Superior Court judge
- Links individuals who have **specific** mental health diagnoses to county behavioral health services
- Diversion process to prevent conservatorship, hospitalization, or incarceration
- Care planning with community-based behavioral health services, housing as available, and support services for up to 24 consecutive months
- CARE Act:
 - **Is NOT** criminal court
 - **Does NOT** include persons with any/all mental health conditions

CARE Act launches on December 1, 2024

Comparison of Assisted Outpatient Treatment (AOT) and CARE Act

AOT aka Laura's Law (2019)

- Civil Court Process
- Eligible referral sources a bit narrower than Care Act (per W&I Code 5345-5349.5)
- Petitions filed only to County Behavioral Health, who then files with the court
- Wider eligible diagnoses – serious mental illnesses
- Voluntary, no forced meds
- Similar services and housing
- No required supporter role or specific plan- however those are still available and established

CARE Act (2022)

- Petitions filed only by eligible referral sources
- Petitions filed directly to Court
- Eligibility criteria includes narrow MH diagnosis of Schizophrenia and psychotic spectrum disorders
- Voluntary, no forced meds
- Similar services and housing

<https://www.solanocounty.com/depts/bh/crisisandinvoluntary/involuntarytx/aot/default.asp>

CARE Act – Involved Parties

Petitioner	Files a petition to bring a person who they believe to be eligible into the CARE Act program. May be a person or an organization
Respondent	The individual who is the subject of the CARE Act petition
Voluntary Supporter	Helps the respondent understand, consider, and communicate decisions related to their care under the CARE Act
Court / Judge	Responsible for managing filed petitions; approving CARE Agreements and Plans; and oversight of the CARE Act process
County Behavioral Health Agency	Responsible for providing outreach, needed behavioral health services and supports; reports to the court
Public Defenders / Legal Aid Attorneys	Legal representation of the respondent in CARE proceedings
County Counsel	The county's attorneys

Role of Voluntary Supporter

- The voluntary supporter:
 - Ensures the respondent understands the CARE Act proceedings
 - Gives the respondent the tools to make self-directed choices to the greatest extent possible
 - May help develop the CARE Agreement or CARE Plan
 - Creates a graduation plan for wellness and recovery after graduating from the CARE Act program

Eligibility Requirements of Respondent

- Adults, ages 18 and older
- Have a diagnosis of **schizophrenia spectrum** or **other psychotic disorder**
- Are unlikely to survive safely in community without supervision and their condition is substantially deteriorating; OR
- Need services and supports to prevent a relapse or deterioration that would result in grave disability or serious harm to themselves or others (5150)
- CARE Act is the least restrictive option to ensure recovery and stability.
- The person will likely benefit from participation.

Persons not eligible for CARE Act

- People with conditions other than schizophrenia/psychotic conditions and severe mental illness
- Psychosis resulting from:
 - Traumatic brain injury
 - Autism
 - Dementia or neurologic conditions
- Individuals who have a substance use diagnosis, but who do not meet the required criteria
- Individuals already stabilized in voluntary treatment
- Individuals NOT AT RISK of relapse or grave disability

Respondent's Rights

- Receive notice of each hearing
- Receive a copy of the court-ordered evaluation(s)
- Be represented by an attorney
- Identify a voluntary supporter who may be present at all hearings
- Be present at the hearings or waive the right to be present
- Have an interpreter in court
- Present evidence or respond to evidence in court (of ineligibility, good progress, etc.)
- Call witnesses at a hearing to testify
- Cross-examine petitioner's witnesses in court
- Respond to BH reports and evidence in court
- Appeal the court's decisions, and be told of this right

Authorized Petitioners

The petition may be filed by the following individuals or agencies:

- County behavioral health departments (e.g., Solano County Behavioral Health)
- First Responders
- Adult family members (e.g., spouse, parent, sibling, grandparent, or child) or an individual who stands in loco parentis to the respondent
- A person with whom the respondent resides
- Public Guardian or Conservator
- Adult Protective Services
- Hospital Director
- Indian Health Services or Tribal Courts
- Respondent (self-referral)

NOTE: The court may also refer Respondents to CARE Act from assisted outpatient treatment, conservatorship proceedings, or misdemeanor proceedings.

Filing Petition

- Initial petitioner (e.g., family, social service provider, first responder) files the petition at the county courthouse to open the CARE Act case. (Form CARE-100)
- Self-help centers available to assist completion and filing of the CARE-100 petition
- If County Behavioral Health Agency (BH) is initial petitioner, BH files petition and mental health declaration at the county courthouse. (CARE-100 and CARE-101)

Prima Facie

- The Court promptly reviews filed petition for *prima facie*, i.e., if the petition shows that the respondent meets or may meet the eligibility criteria for CARE Act proceedings.
 - If the court determines that *prima facie* HAS BEEN established, and that the respondent MEETS or is likely to meet the CARE Act criteria, the case moves forward through the CARE proceedings.
 - If the court determines that *prima facie* as NOT been established, the case is dismissed without prejudice.

Prima Facie Established

- If the court determines that *prima facie* HAS BEEN established, the court:
 - May order County BH to investigate for additional evidence and attempt to voluntarily engage the respondent in services
 - The court may dismiss the case if the BH investigation does not support *prima facie* showing or if voluntary engagement is successful.
 - Appoints a public defender to represent the respondent; or respondent can choose their own attorney
 - Sets an initial appearance / initial hearing on the petition

Initial Appearance / Initial Hearing

- Respondent may waive personal appearance and appear through their attorney.
- Petitioner must be present.
- Representation from County BH must be present.
 - The court relieves original petitioner and appoints BH.
- Respondent may identify a Voluntary Supporter.
- If respondent meets the CARE criteria, the case moves forward.
- If respondent does not meet CARE criteria, the case is dismissed.

Care Management Hearings

- The court requires care management hearings to review and approve the CARE Agreement or – in certain circumstances – order a CARE Plan.
 - Case Management hearings are held to determine if parties have entered, or are likely to enter, into a CARE Agreement.
 - If no CARE Agreement, a Clinical Evaluation hearing is held to provide additional evidence of eligibility. The court orders a CARE Plan.
- At any time, the court may determine that the respondent does not meet the CARE criteria and the case is dismissed.

CARE Agreement vs CARE Plan

- CARE Agreement: A voluntary agreement among the parties which outlines the services and supports agreed upon for the respondent
- CARE Plan: A court-ordered plan in cases when a voluntary CARE Agreement cannot be developed
- Care Agreement / CARE Plan may include, as needed:
 - Behavioral health treatment services
 - Stabilization medications (may court ordered; not forcibly administered)
 - Housing and social services
 - Other community-based support services
- The Care Agreement / CARE Plan are approved by the court.

CARE Act Housing Options

- Respondents have access to the same (**limited**) housing resources as all BH clients.
 - Exception: Respondents have priority for BHBH housing funds.
- Solano County BH Housing Resources include:
 - Clinically-enhanced interim or bridge housing
 - Licensed adult or senior care settings
 - Supportive Housing
 - Housing with family or friends

NOTE: The CARE Act does not guarantee housing. The CARE Act is an unfunded mandate from the Governor, so housing resources are limited to existing opportunities.

Progress / Status Hearings

- Every 60 days, the Court orders a Progress / Status Hearing.
- The Court reviews:
 - Progress that respondent has made on the CARE Agreement / CARE Plan
 - Services and supports provided
 - Issues with adherence
 - Recommendations for changes
- At any time throughout the proceedings, if court finds that respondent is not participating in the CARE Act process, or adhering to their CARE Plan, court may terminate respondent's participation in the CARE Act program.

One-Year Review Hearing

- A one-year review hearing held in the 11th month after CARE Agreement or CARE Plan approval
- The Court reviews:
 - Progress that respondent has made on the CARE Agreement / CARE Plan
 - Services and supports provided
 - Issues with adherence
 - Recommendations for changes
- May graduate the respondent from CARE Act or continue for one additional year.
 - Respondent may request an additional year or the Court may order one.

Graduation

- Parties develop a graduation plan, which outlines strategies to support a transition out of CARE Act.
- At graduation hearing, the Court reviews and approves graduation plan.
- The respondent graduates from the CARE Program!

Example CARE Act Scenario: **Victor***

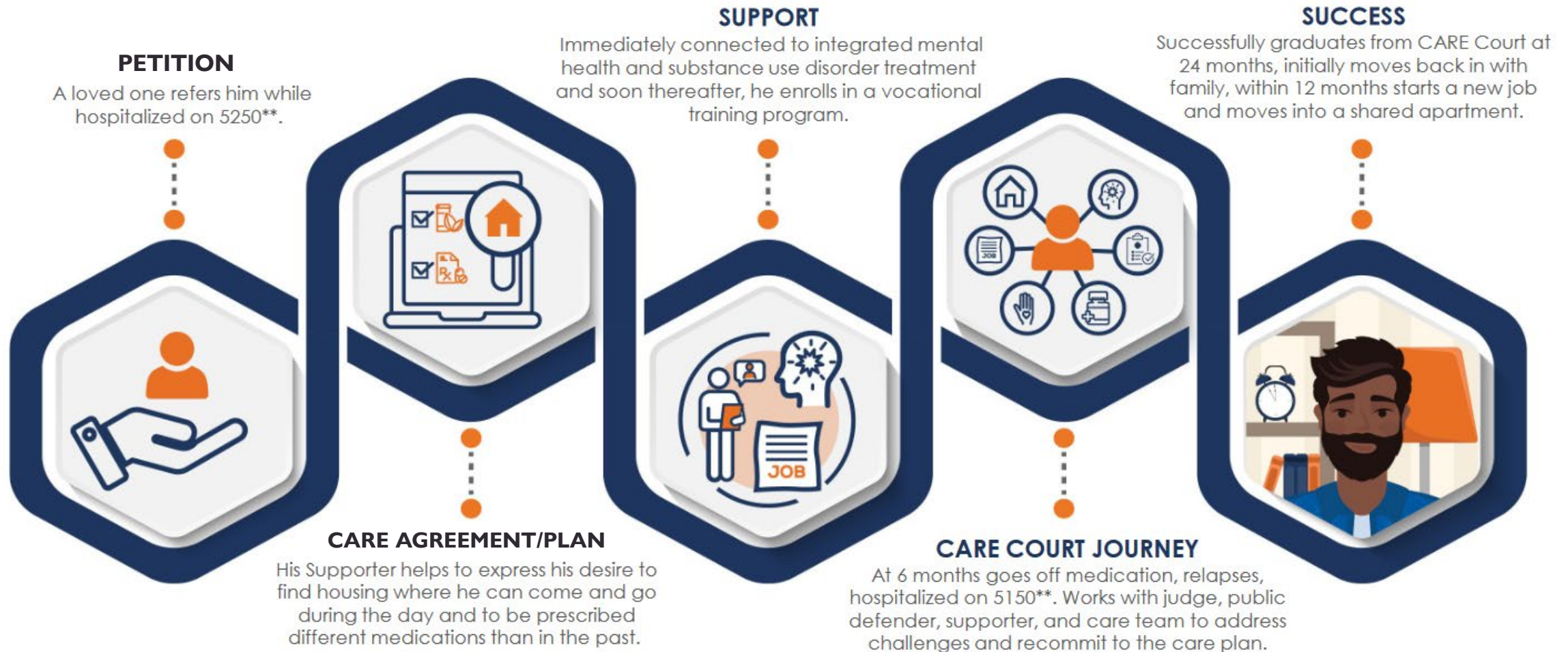
- **Who?**

- A 25-year-old male diagnosed with schizoaffective disorder and substance use disorder.
- He typically takes medication as directed, but recently stopped because of side effects
- His housing is unstable, and he lives part time with family and part time on the street.
- Recently, Victor's substance use has substantially increased.



*Not based on real people or scenarios

EXAMPLE CARE COURT PATHWAY: Victor*



*The above example pathway is not based on real life people or scenarios.

**A 5150 or 5250 hold describes when an individual is involuntarily placed in a psychiatric facility. This happens when a person is deemed a danger to others or themselves or is gravely disabled (Grave disability is defined as an individual's lack of ability, due to their mental illness, to provide for their food, clothing, or shelter.)

CARE Act Assistance and Information

BEGINS DECEMBER 1, 2024

- Contact:
 - Family Law Facilitator's Office / Solano Legal Access Center (SLAC)
 - 600 Union Ave, Second Floor, Room 205, Fairfield
 - Appointment, Drop-ins, Email
 - Monday – Thursday
- SLAC can provide assistance in completing CARE Petition (CARE-100)
- Solano County Behavioral Health CARE Act information
 - <https://www.solanocounty.com/depts/bh/careact.asp>

Forms and Additional Information

- **Judicial Council Forms**

<https://selfhelp.courts.ca.gov/care-act/forms>

- **California Health and Human Services CARE Act**

<https://www.chhs.ca.gov/care-act/>

CONTACTS

Dedicated CARE Act Contacts

Email: BHCareAct@solanocounty.com

Website: <https://www.solanocounty.com/depts/bh/careact.asp>

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