

## CARE Act

# Community Assistance, Recovery, and Empowerment Act

### The CARE Process Flow to Treatment, Housing, and Support

The CARE Act authorizes specified persons to petition a civil court to engage the eligible respondent in the CARE court process, which includes the creation of a voluntary CARE agreement or a court-ordered CARE plan. The agreement or plan may include behavioral health treatment, housing resources, and other services.

## CARE Act Process Flow Overview

The CARE Act Process Flow follows the progression in Community Assistance, Recovery, and Empowerment (CARE) Court Program outlined in [California Welfare and Institutions Code \(W&I Code\) sections 5970-5987](#). This new civil court offers multiple pathways for eligible adults, promoting access to community-based behavioral health services and supports. [Eligible adults](#) are persons with schizophrenia and other psychotic disorders who meet certain criteria related to health and safety.

This CARE Act Process Flow demonstrates how a case may progress through the civil court, which covers case initiation, engagement, court process/service connection, service delivery, and assessing for reappointment or graduation.

Throughout this process there are many participating roles: the respondent, counsel, the respondent's volunteer supporter, the behavioral health agency, and possibly other providers. The CARE Act process encourages collaboration and agreement between these participants and promotes a person-centered process.



## CARE Process Initiation

- 1 A case is initiated when a person petitions the court to determine a respondent's eligibility and begin CARE proceedings. The statute allows for a range of individuals to file petitions, such as family members, health care or social service providers, or first responders.
- 2 County behavioral health agencies may also file petitions

## Engagement

- 3 Initially, the court will decide if the petition shows that the individual meets, or may meet, eligibility criteria for CARE proceedings (i.e., a prima facie showing).
- 4 If the petition was filed by other than the county behavioral health agency, the court will order the agency to investigate and submit a report to determine whether the respondent meets, or is likely to meet, the eligibility criteria.
- 5 During this time, the county behavioral health agency will attempt to engage the respondent in voluntary services and report to the court on the outcome of those efforts.

## Court Process/Service Connection

- 6 If the court finds that the respondent qualifies for CARE proceedings, and efforts to engage the respondent in services was not effective, the case will proceed through the court flow with the goal of connecting the respondent with services. At this point, the court will appoint an attorney to represent the respondent throughout the proceedings, at no cost.
- 7 At the initial appearance, if the petition was filed by other than the county behavioral health agency, the original petitioner is substituted out, and the director of the county behavioral health agency is appointed. During this appearance, the respondent has the option to select a supporter or ask that one be appointed.
- 8 At the hearing on the merits (which can be combined with the initial appearance), the court determines if the respondent meets eligibility criteria under a clear and convincing standard.
- 9 An important component of this court process is that the respondent, their attorney, their supporter, and the behavioral health agency will work together to create a voluntary CARE agreement and engagement in services.

## Court Process/Service Connection continued

- 10 At the case management hearing, if a CARE agreement is not likely to be reached, the court will order the county behavioral health agency to conduct a clinical evaluation.
- 11 The court will review the clinical evaluation and other evidence from the county behavioral health agency and the respondent. The court will also determine if the respondent meets the eligibility criteria and order a CARE plan.
- 12 At this point, the respondent, their attorney, their supporter, and the behavioral health agency will work together to create a CARE plan that includes services the respondent is entitled to receive under the CARE Act. These services should be collaboratively determined, according to the specific needs of the respondent.

## Service Delivery/Assess Next Steps: Treatment Housing and Support

- 13 During service delivery, a respondent will receive services indicated in his/her CARE plan: behavioral health services (including treatment for substance abuse disorder as applicable), medically-necessary stabilization medications (as applicable), housing resources & supports, and funded social services, including those services available to indigent California residents.
- 14 Progress will be checked at status review hearings, at intervals set by the court.
- 15 At month 11, it will be determined if the respondent is either ready to graduate or the respondent maybe reappointed to the program, and continue to receive services under CARE, for up to one year.



## Additional Resources

- Consider viewing the training materials on [CARE-Act.org](https://www.care-act.org) under training materials, including CARE Act 201: The Client's Journey Through the CARE Act and CARE Act 202: The CARE Agreement & CARE Plan.
- Consider viewing the additional CARE Act briefs:
  - [Eligibility Criteria](#)
  - [Supporter Role in the CARE Act](#)



## Statute Language & Citation

The CARE Act Process Flow follows the progression in Community Assistance, Recovery, and Empowerment (CARE) Court Program outlined in [California Welfare and Institutions Code \(W&I Code\) sections 5970-5987](#).