



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-095

For business meeting on May 17, 2024

Title

Mental Health Law: CARE Act Rule
Amendments and Form Revisions

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 7.2210,
7.2221, 7.2225, and 7.2230; revise forms
CARE-050-INFO, CARE-060-INFO,
CARE-100, CARE-101, CARE-105,
CARE-106, and CARE-113

Recommended by

Probate and Mental Health Advisory
Committee
Hon. Jayne Chong-Soon Lee, Chair

Family and Juvenile Law Advisory
Committee

Hon. Stephanie E. Hulsey, Chair

Agenda Item Type

Action Required

Effective Date

September 1, 2024

Date of Report

March 27, 2024

Contact

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Executive Summary

The Probate and Mental Health Advisory Committee recommends amending four rules of court and revising seven forms to implement Senate Bill 35 (Stats. 2023, ch. 283), which amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act. In addition, the statute updated the mandate that the Judicial Council adopt rules implementing the policies and provisions of the act to add a requirement that the rules include “communications between the CARE Act court and the juvenile court, if applicable,” and to remove the requirement that the rules include “the clerk’s review of the petition.” The Family and Juvenile Law Advisory Committee joins in recommending the amendment of rule 7.2210(d)–(f), and the revision of forms CARE-050-INFO and CARE-100 to

the extent those proposed changes address communications between the CARE Act court and the juvenile court.

Recommendation

The Probate and Mental Health Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective September 1, 2024:

1. Amend California Rules of Court, rule 7.2210 to add subdivisions (c), (d), (e), and (f), which outline the procedures for filing a motion under Welfare and Institutions Code section 5976.5(e) to seal records in CARE Act proceedings, provide for communications between the CARE Act court and the juvenile court, provide for notification of respondent's attorney in certain parallel or related legal proceedings, and clarify that the rule does not authorize additional communication, absent an express waiver by respondent.
2. Amend rule 7.2221 to remove language regarding the clerk's review of the petition to conform to the repeal of that requirement from Welfare and Institutions Code section 5977.4(c) by SB 35.
3. Amend rule 7.2225 to reflect the amendments to Welfare and Institutions Code section 5978, which clarify who must serve as the petitioner in CARE Act proceedings initiated upon referral from other court proceedings.
4. Amend rule 7.2230 to remove unnecessary language regarding the local rule process.
5. Revise the following forms to conform to statutory amendments and make technical changes:
 - *Information for Petitioners—About the CARE Act* (form CARE-050-INFO);
 - *Information for Respondents—About the CARE Act* (form CARE-060-INFO);
 - *Petition to Commence CARE Act Proceedings* (form CARE-100);
 - *Mental Health Declaration—CARE Act Proceedings* (form CARE-101);
 - *Order for CARE Act Report* (form CARE-105);
 - *Notice of Order for CARE Act Report* (form CARE-106); and
 - *Notice of Respondent's Rights—CARE Act Proceedings* (form CARE-113).

The proposed amended rules and revised forms are attached at pages 14–41.

Relevant Previous Council Action

At its May 12, 2023, meeting, the Judicial Council approved the adoption of eleven rules of court, California Rules of Court 7.2201 through 7.2230, as a new chapter in Probate and Mental Health Rules, and a new category of forms (CARE forms), with 13 new forms to implement requirements and provisions of the CARE Act. Those rules of court and forms became effective on September 1, 2023.

Analysis/Rationale

The CARE Act took effect on January 1, 2023.¹ The act requires implementation by counties in two phases. The first cohort of seven counties and their superior courts began implementation of the CARE Act on October 1, 2023.² Los Angeles County began implementation of the CARE Act on December 1, 2023, ahead of their required implementation date. The second cohort, comprising the remaining 50 counties in California, must begin implementation by December 1, 2024.³

The CARE Act is intended to provide “a path to care and wellness” for Californians living with schizophrenia spectrum and other psychotic disorders that lead to “risks to their health and safety and increased homelessness, incarceration, hospitalization, conservatorship, and premature death.”⁴ To achieve this end, the act authorizes specified adults to petition a superior court for a determination that the person for whom the petition is filed (the respondent) is eligible to participate in the CARE Act process and, if so, for an order beginning the CARE Act process for the respondent.⁵

On September 30, 2023, SB 35 was signed and took effect immediately as an urgency statute. SB 35 was enacted to fill gaps, clarify ambiguities, and correct inaccurate cross-references in the CARE Act. The bill’s amendments included:

- Authorizing subordinate judicial officers to preside over the proceedings;⁶
- Clarifying that the respondent has a right to an interpreter in court;⁷
- Prohibiting filing fees for court filings;⁸
- Clarifying the persons who may file a petition and the rights of original petitioners;⁹
- Allowing the respondent to petition the court for an order sealing case records; and
- Creating a presumption in favor of sealing if such a petition is filed.¹⁰

¹ The CARE Act was enacted as section 7 of Senate Bill 1338 (Stats. 2022, ch. 319, § 7) and is codified at Welfare and Institutions Code sections 5970–5987. All further unspecified statutory references are to the Welfare and Institutions Code.

² § 5970.5(a). The counties in the first cohort are Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne.

³ § 5970.5(b).

⁴ Sen. Bill 1338, § 1(a).

⁵ §§ 5972, 5974, 5975, and 5977.

⁶ § 5975.2.

⁷ § 5976(j).

⁸ § 5975.3.

⁹ §§ 5974 and 5977(b)(6).

¹⁰ § 5976.5.

SB 35 also adds a mandate that the rules adopted to implement the policies and provisions of the CARE Act include “communications between the CARE Act court and the juvenile court, if applicable.” (§ 5977.4(c).)

Substantive and procedural changes in SB 35 require the rule amendments and form revisions in the proposal to conform to existing law.

Rules of court

The committee¹¹ recommends the amendment of four rules of court, rules 7.2210, 7.2221, 7.2225, and 7.2230. The Family and Juvenile Law Advisory Committee joins in recommending the amendment of rule 7.2210(d)–(f).

Rule 7.2210

The committees recommend amending rule 7.2210 to add subdivisions (c), (d), (e), and (f) to conform to SB 35’s amendments to the CARE Act.

Subdivision (c) delineates new procedures pertaining to the respondent’s filing a motion under section 5976.5(e) to seal records in CARE Act proceedings. The rule includes procedures relating to notice requirements, the time frame within which an opposition to such a request must be filed, and for identifying and maintaining sealed records. Such a rule is required because the rules addressing sealing records generally, rules 2.550–2.551, do not, by their terms, apply to records that are required to be kept confidential by law, as CARE Act records are,¹² and rule 3.1103 exempts causes of action arising under the Welfare and Institutions Code from the “law and motion” rules.

Subdivision (d) of the rule implements the mandate, added by SB 35 to section 5977.4(c), to include in the rules of court provisions regarding “communications between the CARE Act court and the juvenile court, if applicable.” The rule requires the CARE Act court, upon learning a respondent is within a juvenile court’s dependency, delinquency, or transition jurisdiction, to inform the juvenile court, in any suitable manner, that a CARE Act petition has been filed on behalf of that respondent.¹³ The rule also clarifies that the CARE Act court is not precluded by statute from exercising concurrent jurisdiction with the juvenile court over a respondent who is within juvenile court dependency, delinquency, or transition jurisdiction.

Subdivision (e) includes provisions regarding notification of respondent’s attorney in certain proceedings in which respondent is a party of the CARE Act proceedings. The rule would

¹¹ The term “committee” is used in this report to refer to the Probate and Mental Health Advisory Committee alone. When the term “committees” is used, it is to refer collectively to the Probate and Mental Health Advisory Committee and the Family and Juvenile Law Advisory Committee.

¹² § 5977.4(a). Those rules also do not apply because they address situations in which the party filing the documents is the one making the motion to seal them, while in CARE Act cases that is not typically the situation.

¹³ A detailed explanation of the committees’ rationale for the rules pertaining specifically to communications involving respondents who are also within juvenile court jurisdiction is provided under “Alternatives Considered,” below.

require the CARE Act court, upon learning that a respondent is within a juvenile court's dependency, delinquency, or transition jurisdiction, to order the county agency to notify the respondent's attorney in the juvenile proceeding that a CARE Act petition has been filed on behalf of the respondent and provide that attorney with the contact information, if known, of the respondent's CARE Act attorney.

Subdivision (e) also requires the CARE Act court, upon learning that a respondent has been referred from a proceeding described in section 5978, to order the agency to notify the respondent's attorney in that case. Section 5978 allows a court in which a person faces proceedings for assisted outpatient treatment, conservatorship under the Lanterman-Petris-Short Act, or competency to stand trial under section 1370.01 of the Penal Code to refer the person for commencement of CARE Act proceedings on their behalf. While the attorney in the aforementioned proceedings would probably be aware of their client's referral to the CARE Act court, subdivision (e) ensures the attorney in the related proceeding is notified if the referral is acted upon by the filing of a petition to commence CARE Act proceedings. This information is essential to the attorney in the related proceeding as the outcomes in the CARE proceedings may have a direct effect upon proceedings referred from.¹⁴

Subdivision (f) specifies that the requirements in subdivisions (d) and (e) do not authorize communication of confidential information other than required in those subdivisions between the courts or between the county agency and parties, absent an express waiver by the respondent. This subdivision reinforces the high degree of confidentiality in CARE Act proceedings, even as subdivisions (d) and (e) allow for limited communication.

Rule 7.2210 also includes two advisory committee comments. The first comment clarifies that the phrase "within a juvenile court's dependency, delinquency, or transition jurisdiction," as used in subdivisions (d) and (e), refers only to a respondent whom a juvenile court had found to be described by Welfare and Institutions Code section 300, 450, 601, or 602 and who is, at the time the CARE Act petition is filed, within a juvenile court's jurisdiction based on one of those descriptions. The comment emphasizes that the phrase does not refer to any other party to a juvenile court proceeding. The second comment explains that subdivision (d)(2) describes existing law and does not create new law. Specifically, the comment states that neither the juvenile court law¹⁵ nor the CARE Act precludes concurrent jurisdiction or confers exclusive jurisdiction on either court over matters relating to persons who meet the statutory jurisdictional criteria of both.

¹⁴ For example, for a defendant referred from proceedings under Penal Code section 1370.01 who is incarcerated in county jail, if a hearing to determine eligibility does not occur within 14 court days of the petition being filed, the respondent must be released on their own recognizance. In addition, if a defendant referred pursuant to this section is accepted into CARE, the criminal charges must be dismissed. See Penal Code § 1370.01(b)(1)(D)(iv).

¹⁵ §§ 200–987.

Rule 7.2221

The committee recommends amending rule 7.2221 by deleting subdivision (b), to reflect the removal of the statutory mandate directing the Judicial Council to adopt rules that include the clerk’s review of the petition per the passage of SB 35.

Rule 7.2225

The committee recommends amending rule 7.2225 to reflect the revised language in section 5978(a) and (b) clarifying the identity of the person required to serve as the petitioner in CARE Act proceedings initiated upon referral from other court proceedings. The act now expressly lists who is to be the petitioner in such cases.

Rule 7.2230

The committee recommends amending rule 7.2230 to remove an unnecessary clause in subdivision (a). Rule 7.2230 was adopted to implement the mandate requiring a rule regarding “the process by which counsel will be appointed.” (§ 5977.4(c).) The council previously concluded that it would be impracticable to establish a single, uniform statewide appointment process because the size and experience of local bars, the existence of qualified legal services projects that have agreed to accept appointments, the structure of local public defender services, and other circumstances vary widely among courts and counties. After further discussion, the committee determined the clause regarding “establish[ment] by local rule” was unnecessary, as any local court process would already be subject to California Rules of Court, rule 10.613. In addition, some courts had interpreted the clause to require them to adopt a local rule in the narrow sense of that term rather than the intended broader sense used in rule 10.613.

CARE Act forms

The committee recommends the revision of seven forms:

- *Information for Petitioners—About the CARE Act* (form CARE-050-INFO);
- *Information for Respondents—About the CARE Act* (form CARE-060-INFO);
- *Petition to Commence CARE Act Proceedings* (form CARE-100);
- *Mental Health Declaration—CARE Act Proceedings* (form CARE-101);
- *Order for CARE Act Report* (form CARE-105);
- *Notice of Order for CARE Act Report* (form CARE-106); and
- *Notice of Respondent’s Rights—CARE Act Proceedings* (form CARE-113).

The Family and Juvenile Law Advisory Committee joins in the revision of forms CARE-050-INFO and CARE-100.

***Information for Petitioners—About the CARE Act* (form CARE-050-INFO)**

The form is an information sheet that describes the CARE Act process and instructs petitioners how to properly fill out the petition form. It is primarily directed at self-represented petitioners. The form provides basic information about the CARE Act process, eligibility requirements for the petitioner and respondent, and step-by-step instructions on how to complete *Petition to Commence CARE Act Proceedings* (form CARE-100).

The committees recommend revising form CARE-050-INFO to:

- Include the provision that there be no filing fees for CARE Act filings, reflecting the addition of section 5975.3;
- Replace “severe mental illness” with “serious mental disorder,” reflecting revised language in section 5972(b), which mirrors the language the statute refers to in section 5600.3(b)(2);
- Reflect the changes to who may file a petition, as amended in sections 5974(j) and (k) and 5978;
- Mirror item 7 in *Petition to Commence CARE Act Proceedings* (form CARE-100) providing instruction on information to include if the petition is being filed in response to a referral from another court proceeding, if the respondent is within a juvenile court’s dependency, delinquency, or transition jurisdiction, or if the respondent has a conservator;
- Reflect the revision to section 5977(b)(6)(B) regarding the rights of the original petitioner described under section 5974(a) and (b), making their rights consistent with other petitioners, giving them the “right to be present and make a statement” at the initial hearing on the merits of the petition; and
- Update the language of the form to increase readability through the provision of plain language where possible without losing legal accuracy.

Information for Respondents—About the CARE Act (form CARE-060-INFO)

Form CARE-060-INFO is an information sheet for respondents that provides details about the CARE Act and CARE proceedings. The form explains the possible identities and rights of each party, the role of a supporter, the CARE Act eligibility criteria, and what happens in the initial stages of the court proceedings. This information is intended to help the respondent understand the CARE process and how the respondent may respond.

The committee recommends revising form CARE-060-INFO to:

- Update item 1 to include the respondent’s right to have an interpreter in all proceedings if necessary for the respondent to fully participate, reflecting the addition of section 5976(j);
- Revise item 9 to reflect the amendment of section 5977(b)(6)(B) revising the rights of the original petitioner described under section 5974(a) and (b), making their rights consistent with other petitioners, giving them the “right to be present and make a statement” at the initial hearing on the merits of the petition;

- Add item 11 to include information about the respondent’s right to appeal under section 5976(i); and
- Include additional technical, nonsubstantive conforming revisions aimed at improving readability.

Petition to Commence CARE Act Proceedings (form CARE-100)

Form CARE-100 is the mandatory petition form to initiate CARE Act proceedings. The form enables the petitioner to provide information regarding the petitioner’s and respondent’s eligibility and necessary information to begin the CARE Act process.

The committees recommend revising form CARE-100 to:

- Incorporate the clarifications described above as to who may file a petition, and to replace “severe mental illness” with “serious mental disorder” to reflect the change in section 5972(b).
- Require the provision of information, if known and if applicable, about a judicial proceeding from which the respondent has been referred, and whether the respondent is within a juvenile court’s dependency, delinquency, or transition jurisdiction or has a court-appointed conservator.

This revision corresponds to rule 7.2210(d), which requires the CARE Act court to inform the juvenile court that a CARE Act petition has been filed on behalf of a respondent within the juvenile court’s dependency, delinquency, or transition jurisdiction. It also corresponds to rule 7.2210(e), which requires the CARE Act court to order the county agency to notify the respondent’s attorney in a proceeding identified in section 5978 or a respondent within a juvenile court’s dependency, delinquency, or transition jurisdiction that a CARE Act petition has been filed on behalf of the respondent. Finally, the revision responds to the mandate in section 5977.4(c), directing the Judicial Council to adopt rules to implement provisions regarding communications between the CARE Act and juvenile court, if applicable. The revision to form CARE-100 to require such information increases the likelihood that the court and counsel would have that information.

- Include additional technical, nonsubstantive conforming revisions.

Mental Health Declaration—CARE Act Proceedings (form CARE-101)

Form CARE-101 is a mandatory form to be submitted by the petitioner. The form must be completed by a licensed behavioral health professional and fulfills the health affidavit requirement in section 5975(d)(1). The committee recommends revising the form to replace “severe mental illness” with “serious mental disorder,” reflecting the same revised language in section 5972(b), which mirrors the term the statute refers to in section 5600.3(b)(2).

Order for CARE Act Report (form CARE-105)

Form CARE-105 is a mandatory form for the court to use to order a county agency to investigate and file a written report that includes all of the statutory requirements under section 5977(a)(3)(B). The committee recommends revising the form to state that the report must include the information, including protected health information, necessary to support the determinations, conclusions, and recommendations in the report, as required by the addition of section 5977(a)(3)(B)(iv).

Notice of Order for CARE Act Report (form CARE-106)

Form CARE-106 is a mandatory form for use by county agencies to provide notice of *Order for CARE Act Report* (form CARE-105). Similar to form CARE-105, the committee recommends revising form CARE-106 to state that report must include the information, including protected health information, necessary to support the determinations, conclusions, and recommendations in the report, as required by the addition of section 5977(a)(3)(B)(iv).

Notice of Respondent’s Rights—CARE Act Proceedings (form CARE-113)

Form CARE-113 is a form for mandatory use that informs the respondent of their rights in the CARE Act process. A copy of the form must be provided to the respondent along with any notice of hearing served on the respondent. The committee recommends revising the form to include the respondent’s right to have an interpreter in all proceedings if necessary for the respondent to fully participate, as authorized by the addition of section 5976(j). Additionally, the committee recommends minor technical, nonsubstantive conforming changes primarily aimed at improving readability.

Policy implications

To the extent this recommendation has policy implications, they all can be attributed to the legislation. These recommended rules and forms will implement and facilitate those legislative policies.

Comments

The proposal was circulated for comment in the winter invitation-to-comment cycle, in December 2023 to January 2024. Eight comments were received: four from superior courts, one from a local bar association, one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, one from the trusts and estates section of the California Lawyers Association, and one from a law enforcement association. One commenter agreed with the proposal, three agreed with the proposal if modified, and four did not indicate whether they agreed or disagreed with the proposal.

The committees thank all commenters and appreciate the time taken to respond to this proposal.

Concurrent jurisdiction

The committees received multiple comments requesting that the rules clarify each court’s responsibilities and authority when concurrent CARE Act and juvenile court jurisdiction exists.

In particular, commenters sought guidance as to which court's orders would take precedence in the event of a conflict between a juvenile court order and a CARE Act court order.

Although the council interprets the statute to allow concurrent jurisdiction, the committees do not recommend amending the rules to provide the requested clarification without express legislative direction. The issues raised by the commenters, especially the limits of permissible information sharing and the relative priority of orders, are policy matters more appropriate for resolution by the Legislature.

Time for implementation

The committees received responses from two commenters indicating that three months would not provide sufficient time for implementation, with one of the two stating that 6 to 12 months would be more suitable. On the other hand, one county bar association recommended implementing the amendments sooner and expressed concerns that currently participating counties would be noncompliant until the proposal's effective date, as SB 35 was enacted as emergency legislation and took effect immediately.

The committees do not recommend changes to the proposal in response to these comments. Eight counties and their superior courts have begun implementation of the CARE Act with integration of SB 35 changes. The changes to the law have already taken effect, and the committees determined that implementation could not be delayed beyond the time necessary. The eight participating counties are capable of and have been complying with the statute even without the uniformity and guidance provided by the rules and forms. September 1, 2024, is the earliest date on which the proposal can take effect after time for sufficient review and preparation by the courts and counties.

Appointment of counsel

The committee received a comment from one bar association recommending statewide procedures be implemented for the appointment of counsel with concerns toward smaller counties being unable to coordinate effectively among the various eligible attorney-authorizing agencies. The committee does not recommend establishing a uniform statewide process for appointment of counsel at this time. The committee determined that uniformity in the appointment process would lead to a lack of parity among counties in practice, and that, in any event, establishment of a statewide appointment process would be premature given the dependence of each legal service project's eligibility for appointment on the uncertain availability of funding and the project's agreement to accept these appointments. The committee determined that each court and county has experience appointing counsel in other types of proceedings and can leverage its experience and existing processes and systems to appoint counsel much more efficiently than it would be able to under a uniform statewide appointment process.

Clarification of terms and language

The committees received a comment requesting clarification regarding proposed rule 7.2210(d) and whether the CARE Act court must provide proof of notice that the juvenile court has been

notified that a CARE Act petition has been filed on behalf of the respondent. In response to this comment, for clarification purposes, the committees have replaced the term “notify” with “inform” to emphasize that a formal notice process is not required.

The committee received a comment requesting the revision of *Petition to Commence CARE Act Proceedings* (form CARE-100) to expand the current category of “peace officer” to specifically include “probation officer” for clarity. The committee does not recommend modifying the form, as the term “peace officer” reflects the language used in subdivision (f) of section 5974. Specifying probation officers but not other peace officers would imply a distinction that the statute does not make. Additionally, because peace officers include a wide array of individuals, listing the potential individuals would lengthen an already complicated form. The committee determined that clarification would be more appropriate in educational resources.

Communication with counsel in related proceedings

The committee received comments from two superior courts raising concerns about the petitioner’s inability to supply the information needed to inform the respondent’s attorney in related proceedings of the commencement of CARE Act proceedings. One court suggested developing a court form to use to provide the county with that information. In response to these comments, the committee is developing an optional form for that purpose. The form will be circulated for comment at a later date.

All comments received, and the committee’s responses, are provided in the attached chart of comments at pages 42–68.

Alternatives considered

The committees did not consider taking no action because SB 35 added a requirement that the Judicial Council adopt rules to implement the policies and provisions in the CARE Act, including communications between the CARE Act court and juvenile court, if applicable. (§ 5977.4(c).) The legislation also made substantive and procedural changes to the CARE Act that require conforming changes to the rules and forms.

The committees considered the creation of a notice form for the purpose of notifying the juvenile court that CARE proceedings have been initiated. However, the committees determined the manner in which a CARE Act court informs the juvenile court that a CARE petition has been filed on behalf of a respondent who is within the juvenile court’s jurisdiction should be left to the court’s discretion, as long as confidentiality requirements are met.

The committees initially considered proposing rules that provide for broader communications between CARE Act courts and juvenile courts. However, some members questioned the council’s authority to provide by rule for any communication unless statute expressly authorized an exception to the confidentiality requirements. Members also noted that direct communication between courts about pending matters is rare. Weighing the mandate in SB 35 that the Judicial Council adopt rules “including communications between the CARE Act court and juvenile court, if applicable,” against the statutory requirements of confidentiality in both types of proceedings

and the absence of specific guidance or authority in the CARE Act, the committees chose to proceed cautiously when addressing communication about those proceedings.

The committees declined to recommend a rule authorizing court-to-court communications about CARE Act respondents who are parents with children within a juvenile court's jurisdiction. The members were concerned that even implicitly authorizing such communications would raise due process issues by potentially placing parental rights in jeopardy without sufficient notice and an opportunity to be heard. As a result, the committees' proposal addresses only communications about respondents who are themselves within a juvenile court's dependency, delinquency, or transition jurisdiction.

The committees considered developing a rule requiring the respondent's CARE Act attorney, upon learning that the respondent has been referred from a proceeding identified in section 5978, or that the respondent is within a juvenile court's dependency, delinquency, or transition jurisdiction, to notify the respondent's attorney in the related case that a CARE Act petition has been filed on the respondent's behalf. However, the committees decided a rule requiring the CARE Act court to order the county agency to notify the respondent's attorney in the related case would be more appropriate because the agency is also responsible for providing notice to other persons.

The committee considered expanding *Information for Respondents—About the CARE Act* (form CARE-060-INFO) to include a section informing respondents of the possible consequences of failing to participate in the CARE process or complete their CARE plan as well as the addition of brief information regarding the consequences of noncompliance. However, the committee decided against such expansion as form CARE-060-INFO was developed and subsequently revised specifically to concentrate on the initial hearings (i.e., initial appearance and hearing on the merits), and because it will be served on the respondent along with *Order for CARE Act Report* (form CARE-105), which indicates court-appointed counsel's contact information. Appointment of counsel occurs once the court finds that the petitioner has made a prima facie showing that the respondent is or may be a person described by section 5972. The committee determined that appointed counsel will be able to assist respondent in navigating through the court process, including providing explanation throughout the process of the possible consequences if respondent chooses not to participate.

Fiscal and Operational Impacts

The proposed rules and forms should not have a significant fiscal or operational impact on the courts. They are intended to provide updated guidance and information to the court and parties.

The trial courts will incur ongoing costs to print, copy, and provide the mandated forms. There may also be changes required in the case management systems. These costs, however, are expected to be minimal.

The courts will also experience some operational impacts to develop procedures and training for the CARE Act court to notify the juvenile court in CARE Act proceedings in which the

respondent is within a juvenile court's dependency, delinquency, or transition jurisdiction. The additional work for court staff is expected to be minimal.

Attachments and Links

1. Cal. Rules of Court, rules 7.2210, 7.2221, 7.2225, and 7.2230, at pages 14–17
2. Forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, CARE-105, CARE-106, and CARE-113, at pages 18–41
3. Chart of comments, at pages 42–68
4. Link A: Senate Bill 35 (showing amendments),
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB35&showamends=true
5. Link B: Senate Bill 1338,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338

Rules 7.2210, 7.2221, 7.2225, and 7.2230 of the California Rules of Court are amended, effective September 1, 2024, to read:

1 **Rule 7.2210. General provisions**

2
3 (a) * * *

4
5 (b) **Access to records (§ 5977.4(a))**

6
7 All documents filed and all evaluations, reports, and other documents submitted to
8 the court in CARE Act proceedings are confidential, notwithstanding disclosure of
9 their contents during a CARE Act hearing. No person other than the respondent, the
10 respondent's counsel, the county behavioral health director or the director's
11 designee, counsel for the director or the director's designee, and, with the
12 respondent's express consent given in writing or orally in court, the respondent's
13 supporter may inspect or copy the case records without a court order.

14
15 (c) **Sealing of records (§ 5976.5(e))**

16
17 (1) A motion to seal records under section 5976.5(e) must specify the records to
18 which it applies.

19
20 (2) The respondent must serve the motion to seal on the other parties not later
21 than the close of the next court day after the motion is filed.

22
23 (3) Any opposition to the motion must be filed within 10 court days of the date
24 of service in (2).

25
26 (4) The extensions of time in Code of Civil Procedure sections 1010.6 and 1013
27 apply to motions under section 5976.5(e).

28
29 (5) The court may grant the motion without a hearing or, if timely opposition is
30 filed, set a hearing on the motion, and provide at least five court days' notice
31 to all parties.

32
33 (6) Order

34
35 (A) If the court grants the motion and the sealed record is in paper format,
36 the clerk must place on the envelope or container of the record a label
37 prominently stating "SEALED BY ORDER OF THE COURT ON
38 (DATE)." If the sealed record is in electronic form, the clerk must file
39 the court's order, maintain the record ordered sealed in a secure
40 manner, and clearly identify the record as sealed by court order on a
41 specified date.
42

1 (B) The order must state whether any person other than the court is
2 authorized to inspect the sealed record.

3
4 (7) Rules 2.550 and 2.551 do not apply to motions to seal records under section
5 5976.5(e).

6
7 **(d) Respondent within juvenile court jurisdiction (§ 5977.4(c))**

8
9 (1) *Informing the juvenile court*

10
11 Upon learning that a respondent is within a juvenile court’s dependency,
12 delinquency, or transition jurisdiction, the CARE Act court must inform the
13 juvenile court that a CARE Act petition has been filed on behalf of that
14 respondent. The court may communicate this information in any suitable
15 manner.

16
17 (2) *Concurrent jurisdiction with juvenile court*

18
19 The CARE Act court is not precluded by statute from exercising jurisdiction
20 over a respondent who is within a juvenile court’s dependency, delinquency,
21 or transition jurisdiction. The CARE Act court and the juvenile court may,
22 therefore, exercise concurrent jurisdiction over such a respondent.

23
24 **(e) Notification of respondent’s attorney in related proceedings (§ 5977.4(c))**

25
26 If the CARE Act court learns that the respondent has been referred from a
27 proceeding identified in section 5978 or that the respondent is within a juvenile
28 court’s dependency, delinquency, or transition jurisdiction, the court must order the
29 county agency to:

30
31 (1) Notify the respondent’s attorney, if any, in the related case that a CARE Act
32 petition has been filed on behalf of the respondent; and

33
34 (2) Provide the attorney with the contact information of the respondent’s CARE
35 Act attorney, if known.

36
37 **(f) No communication of further information (§ 5976.5)**

38
39 Subdivisions (d) and (e) of this rule do not authorize the communication of
40 information other than that identified in those subdivisions absent an express
41 waiver by the respondent.

1 **Advisory Committee Comment**

2
3 **Subdivisions (d) and (e).** As used in these subdivisions, the phrase “within a juvenile court’s
4 dependency, delinquency, or transition jurisdiction” refers to a respondent whom a juvenile court
5 has found to be described by Welfare and Institutions Code section 300, 450, 601, or 602 and
6 who is currently within the juvenile court’s jurisdiction based on one of those descriptions. The
7 term does not refer to any other party to a juvenile court proceeding.
8

9 **Subdivision (d)(2).** The subdivision is intended to describe the effect of existing law. Neither the
10 juvenile court law (Welf. & Inst. Code, §§ 200–987) nor the CARE Act precludes concurrent
11 jurisdiction or, conversely, confers exclusive jurisdiction on either court over matters relating to
12 the mental health treatment of persons who meet the statutory jurisdictional criteria of both.
13

14
15 **Rule 7.2221. Papers to be filed (§ 5975)**

16
17 **~~(a) — Petition packet (§ 5975)~~**

18
19 A petition to commence CARE Act proceedings must be made on *Petition to Commence*
20 *CARE Act Proceedings* (form CARE-100). The petition must include either:
21

- 22 (1) A completed *Mental Health Declaration—CARE Act Proceedings* (form CARE-
23 101); or
24
25 (2) The evidence described in section 5975(d)(2).
26

27 **~~(b) — Acceptance of papers for filing~~**

28
29 ~~On receipt of a petition, the clerk must file the petition packet, assign a case~~
30 ~~number, and place the packet in a confidential file.~~
31

32
33 **Rule 7.2225. ~~Petitioner~~ Persons who may file petition (§§ 5974, 5978)**

34
35 **~~(a) — Persons who may file petition~~**

36
37 ~~A petition to commence proceedings under the CARE Act may be filed by any of the~~
38 ~~persons identified in section 5974 or, in the circumstances specified therein, section 5978.~~
39 Any person identified in section 5974 may file a petition to begin CARE Act
40 proceedings. If a petition is based on a referral authorized by section 5978, only the
41 person designated in that section may file the petition.
42

1 **(b) ~~Petitioner on referral under Penal Code section 1370.01~~**

2
3 ~~On referral by a court under Penal Code section 1370.01, an agency designated by~~
4 ~~the county will be the petitioner.~~

5
6
7 **Rule 7.2230. Counsel for respondent (§§ 5976(c), 5977(a)(3)(A), (a)(5)(C) & (b)(1))**

8
9 **(a) Appointment**

10
11 If the court finds that the petitioner has made a prima facie showing that the
12 respondent is or may be a person described by section 5972, the court must, ~~in~~
13 ~~accordance with procedures established by local rule:~~

- 14
15 (1) Appoint a qualified legal services project as counsel to represent the
16 respondent; or
17
18 (2) If no qualified legal services project has agreed to accept CARE Act
19 appointments from the court, appoint a public defender or an attorney acting
20 in that capacity to represent the respondent.
21

22 **(b)-(c) * * ***

This information sheet describes the CARE Act and how to fill out *Petition to Commence CARE Act Proceedings* (form CARE-100). A court self-help center may also be able to help you. Go to <https://selfhelp.courts.ca.gov/self-help/find-self-help> to find your court's self-help center. **Note:** There is no cost to file a CARE Act petition.

1 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE Act allows specific people, called *petitioners*, to ask for court-ordered treatment, services, support, and a housing plan for people, called *respondents*. A respondent must be at least 18 years old, have a schizophrenia spectrum or other psychotic disorder, and meet several other requirements.

The CARE process uses evaluations and court hearings to figure out whether the respondent is eligible for services. A county behavioral health agency may contact the respondent as part of the process. If the respondent is eligible, a CARE agreement or plan for services may be created. If the court approves, it will order the CARE agreement or plan.

2 What is a CARE agreement or CARE plan?

A CARE agreement and a CARE plan are written documents that describe services to support the recovery and stability of the respondent. They must be approved by court order. Services may include clinical behavioral health care; counseling; specialized psychotherapy, programs, and treatments; stabilization medications; a housing plan; and other supports and services provided directly and indirectly by local government. The agreement or plan cannot give anyone the right to use force to medicate the respondent.

A CARE agreement is a voluntary agreement for services and treatment between the respondent and the county behavioral health agency after a court has found that the respondent is eligible for the CARE program. For the agreement to be valid, the court must approve it. The court can change the agreement before approving it.

A CARE plan is a set of community-based services and supports for the respondent that is ordered by the court if the respondent and the county cannot reach a CARE agreement.

3 Have you thought about ways to help other than CARE Act proceedings?

There may be other ways to help a person with a serious mental illness. If the person has private health insurance, contact their health plan/insurer. If you do not know if the person has private health insurance or if they do not have private insurance, contact your county's behavioral health agency or check its website. County behavioral health agencies offer many services. These include services like counseling, therapy, and medication and can also include programs like full-service partnerships, rehabilitative mental health services, peer support services, intensive case management, crisis services, residential care, substance use disorder treatment, assertive community treatment, and supportive housing. Counties are required to provide services to Medi-Cal beneficiaries who qualify for specialty mental health and substance use disorder services. They are also allowed to provide their services to people who do not receive Medi-Cal, depending on local funding and eligibility standards. These services do not require a court order.

A *full-service partnership* is a program for a person with a serious mental illness who would benefit from intensive services. A full-service partnership can help a person who is homeless, involved with the justice system, or uses crisis psychiatric care frequently. *Assertive community treatment* is a form of mental health care provided in a community setting to help a person become independent and live as part of the community as they recover.

Find out if the person has made an advance health care directive or psychiatric advance directive. These written documents name someone else to make health care decisions for a person when that person cannot. If the person has a directive, you can contact the person named in it to ask for their help. Think about looking into local social services and community-based programs too.



4 How do I complete *Petition to Commence CARE Act Proceedings* (form CARE-100)?**Item 1: Who Can Be the Petitioner?**

The petitioner is the person who asks the court to start CARE Act proceedings for a person who needs help because of a serious mental disorder.

To be a petitioner, you **must** be 18 years of age or older **and** be one of the following:

- A person who lives with the respondent.
- The respondent's spouse or registered domestic partner, parent, sibling, child, or grandparent.
- A person who has authority to act as the respondent's parent.
- The director of a county behavioral health agency of the county where the respondent lives or is present, or the director's designee.
- A licensed behavioral health professional who is or has been supervising the treatment of or treating the respondent for a mental disorder within the last 30 days, or the professional's designee.
- The director of a public or charitable agency who is or has, within the last 30 days, been providing behavioral health services to the respondent or in whose institution the respondent resides, or the director's designee.
- The director of a hospital in which the respondent is or was recently hospitalized, or the director's designee.
- A California tribal court judge in whose court the respondent has appeared within the previous 30 days, or the judge's designee.
- The director of adult protective services of the county where the respondent lives or is present, or the director's designee.
- The director of a California Indian health services program or tribal behavioral health department that is or has, within the previous 30 days, been providing behavioral health services to the respondent, or the director's designee.
- A first responder who has encountered the respondent multiple times to arrest or involuntarily detain the respondent, engage the respondent in voluntary treatment, or make other efforts to get the respondent professional help.
- The public guardian or public conservator of the county where the respondent lives or is present, or the public officer's designee.
- A conservator or proposed conservator referred from a proceeding under the Lanterman-Petris-Short (LPS) Act.
- The respondent.

In item 1, enter your name and check the box next to the petitioner type or types that apply to you.

Item 2: Relationship to the Respondent

Enter the respondent's name in item 2a. Describe your relationship with the respondent in item 2b. If you are a petitioner from a hospital, a public or charitable agency, a licensed behavioral health professional who has been treating or supervising the respondent, or a first responder, state how many times you have interacted with the respondent, give the date of the most recent interaction, and describe the nature and outcome of each interaction in item 2c.

Item 3: Respondent's Address or Last Known Location

If you know where the respondent lives, enter the address in item 3. If you do not know the respondent's address, or if they do not have one, state that the address is unknown and give the respondent's last known location and any other information, such as a phone number or email address, that might help to locate the respondent.

Item 4: The Right Court and County

In item 4, show why the county where you are filing the petition is the right place to file. You can file a petition only in the county where the respondent lives, where the respondent is currently present, or where the respondent is facing a legal case. Check all options that apply. If the person does not live in the county, it helps to state where they live, if you know.



Item 5: Respondent Eligibility

You must state facts and provide information that support your claim that the respondent is eligible for the CARE Act process. All of the following requirements, which are listed in item 5a–5g on form CARE-100, must be met for a respondent to be eligible. Please note that the situations discussed below are only examples of circumstances that may qualify. The court decides whether each respondent is eligible based only on facts about that respondent.

Requirements	Explanations	Examples
The respondent must be 18 years old or older (item 5a) and must:		
<p>Have a diagnosis of a schizophrenia spectrum disorder or another psychotic disorder in the same class, as defined in the current <i>Diagnostic and Statistical Manual of Mental Disorders</i> (item 5b).</p>	<p>Only a person with a schizophrenia spectrum or other psychotic disorder is eligible for the CARE Act process. A person who does not have that diagnosis is not eligible even if they have a different serious mental disorder, such as bipolar disorder or major depression.</p> <p>Note: The psychotic disorder must not be based on a medical condition, including a physical health condition such as a traumatic brain injury, autism, dementia, or a neurological condition. A person with a current diagnosis of substance use disorder must also have a psychotic disorder and meet all the other criteria in item 5 to be eligible.</p>	<p>Schizophrenia, schizophreniform disorder, schizoaffective disorder, delusional disorder, schizotypal personality disorder, and other psychotic disorders.</p>
<p>Be currently experiencing a serious mental disorder that (item 5c):</p> <ul style="list-style-type: none"> • Is severe in degree and persistent in duration (item 5c(1)) • May cause behavior that interferes substantially with the person’s activities of daily living (item 5c(2)), and • May lead to an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period (item 5c(3)). 	<p>Indicate any behaviors, such as delusions, hallucinations, or unusual and ongoing mood changes, that substantially interfere with the respondent’s ability to perform essential and routine tasks needed for work or self-care.</p> <p>Describe why you believe the respondent is unable to live independently, function in the community, and take care of their condition and social relationships without additional help.</p>	<p>If caused by a chronic, prolonged, or recurrent mental disorder:</p> <ul style="list-style-type: none"> • Difficulty with self-care (e.g., bathing, grooming, obtaining and eating food, dressing appropriately for the weather, securing health care, or following medical advice). • Difficulty maintaining a residence, using transportation, or managing money day to day. • Difficulty concentrating or completing tasks as scheduled. • Difficulty functioning socially, creating and maintaining relationships. • Recent history of inability to care for themselves (bathe, groom, get food and eat, use the restroom) daily without additional help.

Requirements	Explanations	Examples
<p>Not be clinically stabilized in ongoing voluntary treatment (item 5d).</p>	<p>Describe why you believe the respondent is not being adequately supported in a voluntary treatment program such that their condition and symptoms are stable.</p>	<ul style="list-style-type: none"> • Repeated and ongoing refusal to accept voluntary treatment without reason. • Temporary acceptance of voluntary treatment that is interrupted by failure or refusal to continue the treatment without reason. • Voluntary treatment is accepted, but that treatment is not effective to stabilize the respondent.
<p>At least one of the following must be true (item 5e):</p>		
<p>The respondent is unlikely to survive safely in the community without supervision and the respondent’s condition is substantially deteriorating (item 5e(1)).</p> <p>OR</p>	<p>Indicate recent instances where the respondent has needed supervision to survive in the community due to lack of reality orientation, confusion, or impaired insight.</p> <p>Describe how the respondent’s ability to think clearly, communicate, or participate in regular activities has worsened quickly.</p>	<ul style="list-style-type: none"> • Recent or frequent hospitalizations due to symptoms such as delusions, hallucinations, disorganization, impaired insight, impaired judgment. • Recent or frequent arrests due to a mental disorder.
<p>The respondent needs services and supports to prevent a relapse or deterioration that would likely result in grave disability or serious harm to the respondent or others (item 5e(2)).</p>	<p>Describe how the respondent would be unable to survive safely, would be gravely disabled, or would cause serious harm to others or themselves unless they received services and supports.</p> <ul style="list-style-type: none"> • <i>Grave disability</i> includes a person’s inability, due to a mental disorder, to provide for their basic personal needs for food, clothing, or shelter. • <i>Serious harm</i> includes injury causing extreme pain, high risk of death, or loss of physical or mental functions. 	<ul style="list-style-type: none"> • A person who has immediate access to safe housing but chooses, because of a mental disorder, to live in conditions that could lead to a danger to their health. • A person who recently attempted suicide because of their mental disorder and continues to express a desire to harm themselves. • Self-injuring behavior, such as walking into traffic or harming oneself unknowingly through behavior that puts them at risk for serious injury or death.



Requirements	Explanations	Examples
The respondent’s participation in a CARE plan or CARE agreement must:		
Be the least restrictive alternative necessary to ensure the respondent’s recovery and stability (item 5f), and	Explain how participation in a CARE plan or CARE agreement: <ul style="list-style-type: none"> • Would effectively meet the respondent’s treatment needs while placing as few limits as possible on the respondent’s rights and personal freedoms. • Is necessary because other less restrictive alternatives would not ensure the respondent’s recovery and stability; for example, because other less restrictive alternatives have not been successful. 	Less restrictive alternatives might include: <ul style="list-style-type: none"> • Voluntary full-service partnerships, which are collaborative relationships between the county and the individual, and when appropriate the individual’s family, through which the county plans for and provides the full spectrum of community services. • Supported decisionmaking, which is an individualized process of supporting and accommodating an adult with a disability to enable them to make life decisions without impeding their self-determination. • Assertive community treatment, which is a person-centered, recovery-based treatment option that employs low client-to-staff ratios.
Be likely to benefit the respondent (item 5g).	Explain how participating in a CARE plan could help the respondent stabilize and improve their current state and situation.	<ul style="list-style-type: none"> • The respondent’s prior improvement when participating in similar treatment programs. • Medical opinion that the patient would benefit from treatment.

Note: Include in the petition as much information as you have about each item listed above. You may also attach any documents you have that support one or more of those items.

Item 6: Required Documentation

You must attach supporting documentation to the petition. That documentation must include one of two things:

- a. A completed declaration by a licensed behavioral health professional on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101); **OR**
- b. Evidence that the respondent was detained for a minimum of two intensive treatments, the most recent one within the last 60 days.

For example, this evidence could include copies of certification for intensive treatment, a declaration from a witness to the intensive treatment, or other documents showing that the respondent was detained twice for up to 14 days of intensive treatment. Evidence should include the dates of the last treatment period.

Note: For purposes of the CARE Act, “intensive treatment” only includes involuntary treatment authorized by Welfare and Institutions Code section 5250. It does *not* refer to treatment authorized by any other statute, including but not limited to 72-hour holds under Welfare and Institutions Code section 5150 or treatments under Welfare and Institutions Code sections 5260 and 5270.15.

Item 7: Other Proceedings

If the respondent has another court case, information about that case could be helpful to your CARE Act petition. Complete item 7 if you know any of the requested information.

- If you are filing a petition in response to a referral from another court proceeding, fill out item 7a. Give the name of the referring court and the case number, department, and type of case, if you know. If you have a copy of the referral order, label it “Attachment 7a” and attach it to the petition.
- If the respondent is within a juvenile court’s jurisdiction as a dependent, ward, or nonminor dependent, fill out item 7b. Give the court name, the case number, and contact information for the respondent’s juvenile court attorney.
- If the respondent has a conservator, fill out item 7c. Give the court name, the case number, and contact information for the respondent’s conservatorship attorney.

Note: If you don’t know the information requested in part of item 7, leave that part blank. The petition will be processed even if you do not complete item 7.

Item 8: Tribal Enrollment or Services From an American Indian Health Care Provider

If you know that the respondent is a member of a federally recognized Indian tribe or is receiving services from California Indian health care provider, tribal court, or tribal organization, include that information in item 8.

Note: The petition will be processed even if you do not complete item 8.

Item 9: Helpful Information

In item 9, check any of the boxes that apply to the respondent and provide any requested information that you know.

Note: The petition will be processed even if you do not complete item 9.

Item 10: Attachments

In item 10, list the total number of pages attached to the petition.

Signature: You must write the date, print your name, and *sign the petition under penalty of perjury*. That means that if you have stated anything that you know is **not true** on the form, you may be criminally liable. If you have an attorney helping you, they will sign as well.

5 Is service of process required?

No. To begin CARE Act proceedings, you do not need to provide anyone with a copy of the petition except the court.

6 What will happen after I file the petition?

After you file a petition, the court will review it and any supporting documents filed with it. The court will **decide** if the documents show that the respondent meets or might meet the CARE eligibility requirements. Then the court will **either**:

- Dismiss the petition** if it finds (1) that the petition does not show that the respondent meets or may meet the CARE Act eligibility requirements **or** (2) that the respondent is voluntarily working with the county agency, their engagement is effective, and the respondent has enrolled or is likely to enroll in voluntary treatment through the county or another provider. **OR**
- Order a report** if it finds that the petition does show that the respondent meets or may meet the CARE Act eligibility requirements. The court will order a county agency to engage the respondent and file a written report with the court within 14 business days. The **county will notify** you and the respondent that the court ordered the report.

Note: The procedures are different if the county behavioral health agency is the petitioner.



7 The initial appearance

If the court finds that the county agency's report supports the petition's showing that the respondent meets or may meet the CARE Act eligibility requirements and the county's engagement with the respondent was not effective, the court will set an *initial appearance*. The court will also order the county to give notice of the initial appearance to you, as well as to the respondent, the respondent's appointed counsel, and the county behavioral health agency.

You, the petitioner, must be present at the initial appearance, or the court may dismiss the petition. You will receive a notice in the mail of the date, time, and place of the initial appearance.

Note: At the initial appearance, the director of the county behavioral health agency, or the director's designee, will replace you as the petitioner.

8 Do petitioners have any rights?

You have the right to go to the hearing on the merits and make a statement. If you live with the respondent, are the respondent's spouse or domestic partner, parent, sibling, child, or grandparent, or are someone who has authority to act as the respondent's parent, then the court may choose to give you ongoing rights to receive notice. And if the respondent agrees, the court may also allow you to participate in the rest of the CARE Act proceedings.

If you are a petitioner not listed above, the court cannot give you other ongoing rights.

If the petition is dismissed and later the respondent's situation changes, you may file a new petition with the court.

9 What is a vexatious litigant?

A *vexatious litigant* is a person whom a court has found to have used the court process to harm or annoy other people by repeatedly suing them or filing other papers against them without a good reason.

A CARE Act court may find that a person is a vexatious litigant if that person files more than one CARE Act petition that is not true or is intended to disturb, harm, or annoy the respondent. Once declared a vexatious litigant, a person may be placed on a vexatious litigants list kept by the Judicial Council. The court may enter an order that prevents a vexatious litigant from filing any new litigation, including other types of cases (not just CARE Act petitions), without first getting permission from the trial court presiding judge. If such an order is issued, the court may fine a person who does not follow the order or send them to jail for contempt of court.

10 What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use *Request for Interpreter (Civil)* (form [INT-300](#)) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

11 What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation Request* (form [MC-410](#)) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)) or go to <https://selfhelp.courts.ca.gov/jcc-form/MC-410>.

This information sheet provides information about the CARE Act and CARE Act proceedings.

1 Why am I being given these documents?

Someone has filed a petition with a court to start a CARE Act case for you. In the case, you are called the *respondent*.

The CARE Act applies only to specific people. The petition asks a court to decide if you are one of them.

The court has found that you might be. It is asking for more information to help it decide if you are.

Important information for you:

- You have been appointed an attorney, free of charge.
- Your court-appointed attorney will try to contact you about this case using the last known address or location on file for you.
- You may also contact your attorney at any time. Your attorney's contact information is listed in item 5 of *Order for Care Act Report* (form CARE-105) and item 4 of *Notice of Initial Appearance—CARE Act Proceedings* (form CARE-110). You should have received one of those forms when you got this form.
- You should make sure that your attorney knows how to get in touch with you. Give them your contact information and let them know if it changes.
- You may also choose an attorney to represent you instead of the appointed attorney. If you choose your own attorney, you are responsible for their fees.
- You have the right to an interpreter, free of charge, at every CARE Act court hearing.

2 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE process is a way to get court-ordered treatment, services, support, and a housing plan for adults with schizophrenia spectrum disorders or other similar psychotic disorders.

The CARE process uses outreach, meetings, and court hearings. The court will decide if you meet the eligibility requirements. One or more county agencies will be part of the process. If you are eligible, they will work with you to identify services and supports you might need.

If you are eligible for CARE, the court will ask you to work with the county behavioral health agency to make a CARE agreement for services and supports. If you do not reach an agreement with the county agency, the court will order a clinical evaluation of your mental health. After reviewing the evaluation, the court will decide if you are still eligible. If you are, the court will order you and the county agency to develop a CARE plan.

3 What is CARE eligibility?

To be eligible for the CARE process, you need to be at least 18 years old and have a schizophrenia spectrum disorder or another psychotic disorder. That disorder, or another mental disorder if you have one, must be serious. That means it has lasted for a long time, it can make you do things that interfere with your life, and it can make it impossible for you to live on your own for very long without treatment, support, and rehabilitation.

You also cannot be stabilized in a voluntary treatment program. In addition, either it must be unlikely that you will survive safely in the community without somebody watching over you and your condition is getting a lot worse, or you must need services and supports to keep your symptoms from coming back or getting bad enough that you would probably become severely disabled or would seriously hurt yourself or somebody else. Finally, it must be likely that going through the CARE process will help you and that nothing less restrictive than the CARE process will make sure that you recover and stabilize.

4 What is a CARE agreement or CARE plan?

A CARE agreement and CARE plan are written documents that contain services designed to support you. They must be approved by court order. They may include clinical behavioral health care; counseling; specialized psychotherapy, programs, and treatment; stabilization medications; a housing plan; and other supports and services, provided directly or indirectly by local government. These documents cannot give anyone the right to use force to medicate you.



4

A CARE agreement is a voluntary agreement between you and the county behavioral health agency. If you are eligible for the CARE program, the court will order you and the county agency to try to reach a CARE agreement. The court can modify the agreement before approving it.

If you cannot reach a CARE agreement, the court may ask you to work with the county to create a CARE plan. A CARE plan is an individualized range of community-based supports and services. It can include the same services and supports as a CARE agreement. You and the county agency will propose one or more CARE plans to the court. The court will order the final CARE plan.

5 **Who is the petitioner?**

The petitioner is the person who is asking the court to start CARE Act proceedings for you.

6 **Who is the respondent?**

The respondent is you, the person the court is being asked to start CARE Act proceedings for.

7 **What happens after the petition has been filed?**

The court reviews the petition and decides if you might be eligible for the CARE process. If it thinks you might be, the court may order a county agency to try to contact you, talk with you, and file a written report. The county agency must file the report with the court within 14 business days, unless the court gives it more time. The county will send notice to you and the petitioner if the court orders a report.

What happens if the county agency contacts me?

The county agency will ask you about your mental and physical health. It will also ask how your mental health affects your your life and what services and treatment you think would be helpful. It will ask if you are willing to work with the county to get connected to those services and treatment options.

What will the report include?

The county agency will file a report even if it is not able to contact you. The report will include:

- The agency’s opinion about whether you meet, or are likely to meet, the CARE eligibility requirements. These include your mental health diagnosis and current condition, whether you need additional services, and whether there are other services that would help you but be less restrictive than a CARE agreement or plan.
- The county’s efforts to get you to participate voluntarily in services and whether the county thinks you can participate voluntarily in services.

What happens after the court receives the report?

After the court receives the report, it will either:

- **Dismiss the proceedings:** If the court finds, based on the petition and the county’s report, that you are not eligible for the CARE process or that you are working willingly and effectively with the county agency and have enrolled or are likely to enroll in behavioral health treatment, the court will dismiss the case; or
- **Set an initial appearance (court hearing):** If the court finds that the county’s report shows that you may be eligible for the CARE process and the county’s contacts with you were not able to connect you with voluntary services and treatment, the court will set an initial appearance.

Note: The court has appointed an attorney for you. The attorney will contact you at the beginning of the CARE Act process. If the court sets an initial appearance, the county will give you notice of the date, time, and place of the hearing along with additional information.



8 What happens at the initial appearance and the hearing on the merits?

At the initial appearance:

- You may replace your court-appointed attorney with an attorney that you choose.
Note: If you choose your own attorney, you are responsible for their fees, if any.
- You have the right to appear in person. You can choose to give up your right to attend personally, and your attorney can appear on your behalf.
- If you do not tell the court, through your attorney, that you are choosing not to attend and you do not appear, the court may have a hearing without you. To do that, the court needs to find that reasonable attempts to encourage you to appear have failed and that having a hearing without you would be in your best interests.
- The petitioner must be present at the initial appearance, or the court may dismiss the petition.
- A representative from the county behavioral health agency will be present.
- If the original petitioner is not the director of a county behavioral health agency, the court will replace the original petitioner with the director of the county behavioral health agency or their designee, who will then take over as the petitioner.
- If you are enrolled in a federally recognized Indian tribe or receiving services from an Indian health care provider, a tribal court, or a tribal organization, the law allows a representative from the program, the tribe, or the tribal court to be present if you consent. The county must give notice of the initial appearance to the tribal representative.
- The court will set a hearing on the merits of the petition.
- The hearing on the merits of the petition may happen at the same time as the initial appearance but only if you (the respondent), the petitioner, and the court all agree.

At the hearing on the merits:

The court will decide if you meet the CARE Act requirements. The court will consider the petition, the report from the county agency, and all evidence properly presented to it, including evidence that you provide.

- **If the court finds that you do not meet the CARE Act requirements:** The court will dismiss the petition. The original petitioner may be able to file a new petition if something changes unless the court finds that the original petition was not filed in good faith.
- **If the court finds that the petitioner has shown that you do meet the CARE Act requirements:** The court will order the county behavioral health agency to work with you, your attorney, and your supporter, if you have one, to connect you with behavioral health treatment. You all will also need to decide if you and the behavioral health agency can reach a CARE agreement. The court will set a case management hearing.

Note: If you are enrolled in a federally recognized Indian tribe and you want a tribal representative to attend the case management hearing, you should let the tribe know the date, time, and place of the hearing.

9 What rights do petitioners have?

The original petitioner has the right to go to the hearing on the merits and make a statement. If the original petitioner lives with you; is your spouse, parent, sibling, child, or grandparent; or is someone who has authority to act as your parent, the court may give them ongoing rights to receive notice. In addition, if you agree, the court may allow that person to participate in your CARE Act process.

If the original petitioner is not someone listed above, the court will not give them additional rights.



10 What rights do respondents have?

You have the right to be informed of what is happening in your case. You have the right to participate in your case. You have the right to an attorney at all stages of the process. You have the right to an interpreter if you need one. You have the right to keep confidential all CARE evaluations, reports, documents, and filings. You also have other rights that are described in *Notice of Respondent's Rights* (form CARE-113). You will get a copy of that form when you get notice of any court hearing in the CARE Act process.

11 What if I disagree with a court order?

You have the right to ask a higher court to review a court order in the CARE process. This is called an *appeal*. Talk with your attorney if you think you want to appeal a court order. To get more information, read *Information on Appeal Procedures for Unlimited Civil Cases* (form [APP-001-INFO](#)).

12 What is a "supporter"?

You have the right to choose a person to support you throughout the CARE Act process. The CARE Act calls that person a *supporter*. The supporter helps you understand, communicate, make decisions, and express your preferences. You can choose to have your supporter with you at meetings, appointments, or court hearings.

Your supporter must:

- Respect your values and beliefs and support your preferences as well as they can.
- Communicate with you to help you understand and make informed decisions.

Your supporter must not:

- Act independently from you.
- Make decisions for you or on your behalf unless necessary to keep someone from immediately getting hurt.
- Sign documents for you.

You have a right to have a supporter throughout the CARE Act process.

13 What if I don't speak English?

You have the right to an interpreter at all CARE Act court hearings. Let your attorney know that you will need an interpreter for court hearings. When you go to court, tell the judge you need an interpreter if you or your attorney haven't already asked for one. You can also use *Request for Interpreter (Civil)* (form [INT-300](#)) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

14 What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation Request* (form [MC-410](#)) to make your request.

You can also ask the ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)) or go to <https://selfhelp.courts.ca.gov/jcc-form/MC-410>.

ATTORNEY OR PETITIONER WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS FOR (name): <div style="text-align: right;">RESPONDENT</div>		
PETITION TO COMMENCE CARE ACT PROCEEDINGS		CASE NUMBER:
For information on completing this form, see <i>Information for Petitioners—About the CARE Act</i> (form CARE-050-INFO).		

1. Petitioner (name):
is 18 years of age or older and (check all that apply):
- a. A person who lives with respondent.
 - b. A spouse or registered domestic partner, parent, sibling, child, or grandparent of respondent.
 - c. A person who stands in the place of a parent to respondent.
 - d. The director* of the county behavioral health agency of the county named above.
 - e. A licensed behavioral health professional* who is or has been, within the past 30 days, treating or supervising the treatment of respondent.
 - f. The director* of a hospital in which respondent is hospitalized.
 - g. The director* of a public or charitable organization, agency, or home
 - (1) who is or has been, within the past 30 days, providing behavioral health services to respondent; or
 - (2) in whose institution respondent resides.
 - h. Respondent.
 - i. 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 respondent.
 - j. The public guardian* or public conservator* of the county named above.
 - k. A conservator or proposed conservator referred from a proceeding under Welfare and Institutions Code section 5350.
 - l. The director* of adult protective services of the county named above.
 - m. The director* of a California Indian health services program or tribal behavioral health department that has, within the past 30 days, provided or is currently providing behavioral health services to respondent.
 - n. A California tribal court judge* before whom respondent has appeared within the past 30 days.

* This person may designate someone else to file the petition on their behalf. If the petitioner is a designee, check this category and put the designee's name in item 1, above.

2. a. Petitioner asks the court to find that respondent (name):
is eligible to participate in the CARE Act process and to commence CARE Act proceedings for respondent.
- b. Petitioner's relationship to respondent (specify and describe relationship):

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CARE ACT PROCEEDINGS FOR <i>(name)</i> : <div style="text-align: right;">RESPONDENT</div>	CASE NUMBER:
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2. c. Petitioner's interactions with respondent *(if petitioner is specified in 1e, 1f, 1g, or 1i, specify the number of interactions with respondent and the date of the most recent interaction, and describe the nature and outcome of each interaction):*

If you need additional space, please include on a separate piece of paper and label as Attachment 2c.

3. Respondent lives or was last found at *(give respondent's residential address, if known and one exists; otherwise, state that the address is unknown and provide the last known location and any additional contact information, such as a phone number, including whether the number can receive texts, or an email address):*

If you need additional space, please include on a separate piece of paper and label as Attachment 3.

4. Respondent *(check all that apply)*:

- a. Is a resident of the county named above.
- b. Is currently located in the county named above.
- c. Is a defendant or respondent in a criminal or civil proceeding pending in the superior court of the county named above.
- d. Is a resident of *(specify county if known and different from the county named above)*:

5. Respondent meets each of the following requirements and is eligible to participate in the CARE Act process and receive services and support under a CARE agreement or CARE plan *(provide information below to support each requirement)*:

- a. Respondent is 18 years of age or older. Date of birth *(if known)*:
 Age in years *(if exact age not known, give approximate age)*:
- b. Respondent has a diagnosis of a schizophrenia spectrum disorder or another psychotic disorder in the same class, as defined in the current *Diagnostic and Statistical Manual of Mental Disorders*. Diagnosis and additional information are provided
 - on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
 - on separate documents, attached and labeled as Attachment 5b.
 - below.

CARE ACT PROCEEDINGS FOR (name): RESPONDENT	CASE NUMBER:
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5. c. Respondent is currently experiencing a **serious mental disorder**, as defined in Welfare and Institutions Code section 5600.3(b)(2), in that the **disorder**:
- (1) Is severe in degree and persistent in duration;
 - (2) May cause behavior that interferes substantially with respondent's primary activities of daily living; **and**
 - (3) May result in respondent's inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period.

Supporting information regarding the severity, duration, and risks of respondent's disorder is provided

- on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
- on separate documents, attached and labeled as Attachment 5c.
- below.

- d. Respondent is not currently stabilized in ongoing voluntary treatment. Respondent's current stability and treatment are described
- on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
 - on separate documents, attached and labeled as Attachment 5d.
 - below.

CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

5. e. At least one of these is true (complete (1) or (2) or both):

- (1) Respondent is unlikely to survive safely in the community without supervision **and** respondent's condition is substantially deteriorating. Reasons that respondent is unlikely to survive safely in the community, the type of supervision respondent would need to survive safely, and the extent to which respondent's physical or mental condition has recently grown worse are described
- on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
 - on separate documents, attached and labeled Attachment 5e(1).
 - below.

- (2) Respondent needs services and supports to prevent a relapse or deterioration that would be likely to lead to grave disability or serious harm to respondent or others. The services and supports needed by respondent and the reasons respondent would become gravely disabled or present a risk of harm to self or others are described
- on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
 - on separate documents, attached and labeled Attachment 5e(2).
 - below.

- f. Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure respondent's recovery and stability. A description of available alternative treatment plans and an explanation why no alternative treatment plan that would be less restrictive of respondent's liberty could ensure respondent's recovery and stability are provided
- on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
 - on separate documents, attached and labeled Attachment 5f.
 - below.

CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

5. g. Respondent is likely to benefit from participation in a CARE plan or CARE agreement. Reasons in support of this assertion are provided
- on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), attached as Attachment 6a.
 - on separate documents, attached and labeled Attachment 5g.
 - below.

6. Required Documentation

The evidence described below is attached in support of this petition. (Attach the documents listed in a or b, or both, and check the box next to the description of each document or set of documents attached).

- a. A completed *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), the declaration of a licensed behavioral health professional stating that, no more than 60 days before this petition was filed, the professional or a person designated by them
- (1) examined respondent and determined that respondent met the diagnostic criteria for eligibility to participate in the CARE Act proceedings; or
 - (2) made multiple attempts to examine respondent but was not successful in obtaining respondent's cooperation and has reasons, explained with specificity, to believe that respondent meets the diagnostic criteria for eligibility to participate in CARE Act proceedings.

Attach *Mental Health Declaration—CARE Act Proceedings* (form CARE-101) and label it Attachment 6a.

- b. Evidence that respondent was detained for at least two periods of intensive treatment, the most recent period within the past 60 days. *Examples of evidence:* a copy of the certification of intensive treatment, a declaration from a witness to the intensive treatment, or other documentation indicating involuntary detention and certification for up to 14 days of intensive treatment. (Attach all supporting documents and label each, in order, Attachment 6b1, 6b2, 6b3, etc.)

Note: For purposes of the CARE Act, "intensive treatment" refers to involuntary treatment authorized by Welfare and Institutions Code section 5250. It does **not** refer to treatment authorized by any other statutes, including but not limited to Welfare and Institutions Code sections 5150, 5260, and 5270.15.

7. Other Court Proceedings (you may leave a field blank if you don't know the information requested or it does not apply)

- a. This petition is in response to respondent's referral from another court proceeding.
- (1) Court, department, and judicial officer:
 - (2) Case number:
 - (3) Type of proceeding from which respondent was referred:
 - (A) Mental competence proceeding arising from a misdemeanor prosecution (Penal Code, § 1370.01)
 - (B) Assisted outpatient treatment (Welfare & Institutions Code, §§ 5346–5348)
 - (C) Lanterman-Petris-Short Act conservatorship (Welfare & Institutions Code, §§ 5350–5372)
 - (4) The referral order is attached and labeled as Attachment 7a (optional).
 - (5) Respondent's attorney in referring proceeding (name):
 (mailing address):
 (telephone number): (email address):

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CARE ACT PROCEEDINGS FOR (name): RESPONDENT	CASE NUMBER:
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7. b. Respondent is within a juvenile court's dependency, delinquency, or transition jurisdiction.
- (1) Court: (2) Case number:
- (3) Respondent's attorney in juvenile court proceeding (name):
(mailing address):
(telephone number): (email address):

- c. Respondent has a court-appointed conservator.
- (1) Court: (2) Case number:
- (3) Respondent's attorney in conservatorship proceeding (name):
(mailing address):
(telephone number): (email address):

Other information (you may leave a field blank if you don't know the information requested or it does not apply)

8. Tribal affiliation

- a. Respondent is an enrolled member of a federally recognized Indian tribe.
Tribe's name and mailing address:
- b. Respondent is receiving services from a California Indian health services program, a California tribal behavioral health department, or a California tribal court.
Name and mailing address of program, department, or court:

9. Check any of the following statements that is true and give the requested information if you know it:

- a. Respondent needs interpreter services or an accommodation for a disability (if you know, describe respondent's needs):
- b. Respondent is served by a regional center (if you know, give the center name and the services provided to respondent):
- c. Respondent is a current or former member of the state or federal armed services or reserves (branch name if you know it):

10. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME OF ATTORNEY)

▶ _____
(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY CASE NUMBER:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS FOR (name): RESPONDENT		
MENTAL HEALTH DECLARATION—CARE ACT PROCEEDINGS		CASE NUMBER:

TO LICENSED BEHAVIORAL HEALTH PROFESSIONAL
 This form will be used to help the court determine whether respondent meets the diagnostic criteria for CARE Act proceedings.

GENERAL INFORMATION

1. Declarant's name:

2. Office address, telephone number, and email address:

3. **License status** (complete either a or b):
 - a. I am a licensed behavioral health professional and conducting the examination described on this form is within the scope of my license. I have a valid California license as a (check one):
 - (1) physician.
 - (2) psychologist.
 - (3) clinical social worker.
 - (4) marriage and family therapist.
 - (5) professional clinical counselor.

 - b. I have been granted a waiver of licensure by the State Department of Health Care Services under Welfare and Institutions Code section 5751.2 because (check one):
 - (1) I am employed as a psychologist clinical social worker continuing my employment in the same class as of January 1, 1979, in the same program or facility.

 - (2) I am registered with the licensing board of the State Department of Health Care Services for the purpose of acquiring the experience required for licensure and employed or under contract to provide mental health services as a (check one):
 - (a) clinical social worker.
 - (b) marriage and family therapist.
 - (c) professional clinical counselor.

 - (3) I am employed or under contract to provide mental health services as a psychologist who is gaining experience required for licensure.

CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

3. b. (4) I have been recruited for employment from outside this state, and my experience is sufficient to gain admission to a California licensing examination. I am employed or under contract to provide mental health services as a (check one):
- (a) psychologist.
 - (b) clinical social worker.
 - (c) marriage and family therapist.
 - (d) professional clinical counselor.

4. Respondent (name):
 is is not a patient under my continuing care and treatment.

EXAMINATION OR ATTEMPTS MADE AT EXAMINATION OF RESPONDENT

5. Complete one of the following (both a and b must be within 60 days of the filling of the CARE Act petition):
- a. I examined the respondent on (date): (proceed to item 7).
 - b. On the following dates: I attempted to examine respondent but was unsuccessful due to respondent's lack of cooperation in submitting to an examination.
6. (Answer only if item 5b is checked.) Explain in detail when, how many attempts, and the types of attempts that were made to examine respondent. Also explain respondent's response to those attempts and the outcome of each attempt.

7. Based on the following information, I have reason to believe respondent meets the diagnostic criteria for CARE Act proceedings (each of the following requirements **must** be met for respondent to qualify for CARE Act proceedings):
- a. Respondent has a diagnosis of a schizophrenia spectrum disorder or another psychotic disorder in the same class (indicate the specific disorder):

Note: Under Welfare and Institutions Code section 5972, a qualifying psychotic disorder must be primarily psychiatric in nature and not due to a medical condition such as a traumatic brain injury, autism, dementia, or a neurological condition. A person who has a current diagnosis of substance use disorder without also meeting the other statutory criteria, including a diagnosis of schizophrenia spectrum or other psychotic disorder, does not qualify.

- b. Respondent is experiencing a serious mental disorder that (all of the following must be completed):
 - (1) Is severe in degree and persistent in duration (explain in detail):

CARE ACT PROCEEDINGS FOR <i>(name)</i> :	CASE NUMBER:
RESPONDENT	

7. b. (2) May cause behavior that interferes substantially with the primary activities of daily living *(explain in detail)*:

(3) May result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period *(explain in detail)*:

c. Respondent is not clinically stabilized in ongoing voluntary treatment *(explain in detail)*:

d. At least one of these is true *(complete one or both of the following)*:

(1) Respondent is unlikely to survive safely in the community without supervision **and** respondent's condition is substantially deteriorating *(explain in detail)*:

(2) Respondent needs services and supports to prevent a relapse or deterioration that would likely result in grave disability or serious harm to respondent or others *(explain in detail)*:

CARE ACT PROCEEDINGS FOR <i>(name)</i> : RESPONDENT	CASE NUMBER:
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7. e. Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure respondent's recovery and stability (*explain in detail*):

f. Respondent is likely to benefit from participation in a CARE plan or CARE agreement (*explain in detail*):

8. Additional information regarding my examination of respondent is as follows on Attachment 8.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT DECLARANT'S NAME)



(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS FOR (name): <div style="text-align: right;">RESPONDENT</div>		
ORDER FOR CARE ACT REPORT		CASE NUMBER:

- The court has read and reviewed *Petition to Commence CARE Act Proceedings* (form CARE-100) filed by petitioner (name): (address): on (date): asking the court to begin CARE Act proceedings for respondent (name): (address, if known):
- The court has found that the petition has made a prima facie showing that the respondent is or may be eligible to participate in the CARE Act process. A copy of the petition and all attachments are included with this order.

The court orders as follows:

- The following county agency (name): or its designee must contact and engage the respondent and, no later than (date): file with the court a written report that includes the following information:
 - Respondent's county of residence;
 - A determination whether respondent meets or is likely to meet the CARE Act eligibility requirements;
 - The outcome of the county's efforts to engage respondent during the period before the report deadline above;
 - Conclusions and recommendations about respondent's ability to voluntarily engage in services;
 - The information, including protected health information, necessary to support the determinations, conclusions, and recommendations in the report; and
 - Other:
- Before engaging the respondent and preparing the report, the county agency named in item 3 or its designee must use *Notice of Order for CARE Act Report* (form CARE-106) to serve notice of this order on petitioner, respondent, and respondent's counsel as provided in California Rules of Court, rule 7.2235(a).
- The court has, by separate order, appointed the following attorney to represent the respondent at all stages of these CARE Act proceedings.
 - Name:
 - Firm name:
 - Street address:
 - Mailing address (if different):
 - Email address:
 - Telephone number:
 - Fax number:

Date:

JUDICIAL OFFICER

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CARE-106

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS FOR (<i>name</i>): RESPONDENT		
NOTICE OF ORDER FOR CARE ACT REPORT		CASE NUMBER:

1. Petitioner (*name*):
2. Respondent (*name*):
3. The court has ordered (*name of county agency*):
or its designee to engage the respondent and, no later than (*date*): , file with the court a written report that includes all of the following information:
 - a. The respondent's county of residence;
 - b. A determination whether the respondent meets, or is likely to meet, the criteria necessary to participate in the CARE Act process;
 - c. The outcome of efforts made to voluntarily engage the respondent;
 - d. Conclusions and recommendations about the respondent's ability to voluntarily engage in services; and
 - e. The information, including protected health information, necessary to support the determinations, conclusions, and recommendations in the report.
4. Attached to this notice, as required by California Rules of Court, rule 7.2235(a), are
 - a. a copy of *Order for CARE Act Report* (form CARE-105) issued by the court in this proceeding on (*date*): ,
 - b. a copy of the petition filed on form CARE-100 on (*date*): to begin these proceedings, and
 - c. *Information for Respondents—About the CARE Act* (form CARE-060-INFO).

Date:

(TYPE OR PRINT NAME OF COUNTY AGENCY REPRESENTATIVE)

▶ _____
(SIGNATURE OF COUNTY AGENCY REPRESENTATIVE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS FOR (name):		
RESPONDENT		
NOTICE OF RESPONDENT'S RIGHTS—CARE ACT PROCEEDINGS		CASE NUMBER:

Someone filed a petition to begin CARE Act proceedings for you. You have been appointed an attorney, free of charge. That attorney will contact you about this case. You may also choose an attorney to represent you instead of the appointed attorney. If you choose your own attorney, you will be responsible for their fees. A person who, like you, is the subject of a CARE Act petition is called the respondent.

THE CARE ACT RESPONDENT'S RIGHTS

Every respondent has all of the following rights.

During the CARE Act proceedings, you have a right to:

- Be informed of the proceedings;
- Receive notice of each hearing;
- Be present and personally participate at each hearing;
- Be represented by an attorney at all stages of the proceedings, regardless of ability to pay;
- Receive a copy of the petition;
- Receive a copy of the court-ordered evaluation and court-ordered report;
- Have a supporter be present with you and assist you;
- Have an interpreter assist you, if necessary;
- Present evidence;
- Call witnesses;
- Cross-examine witnesses;
- Appeal decisions; and
- Keep confidential all evaluations, reports, documents, and filings submitted to the court for CARE Act proceedings.

CARE Act hearings are closed to the public unless the court orders otherwise (see below). However, you have a right to:

- Demand that the hearing be public and be held in a place the public can attend;
- Request any family member or friend, including a supporter, attend the hearing without giving up your right to keep the hearing closed to the rest of the public; and
- Be informed by the judge of these rights before each hearing begins.

Note: The court may allow a hearing to be public if the judicial officer finds that the public interest in an open hearing clearly outweighs your interest in privacy.

You have a right to a supporter throughout the CARE Act process.

A supporter can help you understand, communicate, make decisions, and express your preferences. You can have a supporter with you at hearings and meetings throughout the CARE Act process. For more information, see *Information for Respondents—About the CARE Act* (form [CARE-060-INFO](#)).

What if I don't speak English?

When your appointed attorney contacts you, let them know that you will need an interpreter at court hearings. Let the court know as early in the case as possible that you need an interpreter. If there is no interpreter when you get to court, ask the clerk for one. You can also use *Request for Interpreter—Civil* (form [INT-300](#)) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation Request* (form [MC-410](#)) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)).

Mental Health Law: CARE Act Rule Amendments and Form Revisions (Amend Cal. Rules of Court, rules 7.2210, 7.2221, 7.2225, and 7.2230; revise forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, CARE-105, CARE-106, and CARE-113)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Chief Probation Officers of California by Karen A. Pank, Executive Director	NI	<p>Clarification on Respective Duties for Juvenile Court and CARE court The amendment to rule 7.2210 subdivisions (d) and (e) under section 5977.4(c), would expressly note the ability for concurrent jurisdiction of the juvenile court and CARE Act court. There are many considerations that would need to be accounted for in instances of concurrent jurisdiction and while this proposed change adds clarity that concurrent jurisdiction may exist, there remains many practical impacts regarding respective duties and obligations when there are dual and/or multiple jurisdictions between Juvenile Court and CARE Act court. We would note that without clarity and coordination in this space, it may result in confusion on the part of the youth with respect to reporting, monitoring, and other considerations. There is also needed clarity regarding the roles and duties of the jurisdictions as it relates to court mandates and the delivery of services.</p> <p>Sealing of Records Rule 7.2210 subdivision (c) refers to the procedures “pertaining to the respondent’s ability to file a motion under section 5976.5(e) to seal records in CARE Act proceedings.” It’s important that the record sealing provisions align with, and are not contradictory to, sealing of records for juvenile court jurisdiction matters and would benefit from additional clarity to ensure that sealing provisions are specific to CARE court matters.</p>	<p>The committee appreciates this comment but does not recommend modifying the proposal in response. The committee recognizes the intersection between the juvenile court law and CARE Act process presents complex challenges and understands the request for additional clarity Although the council interprets the statute as not precluding concurrent jurisdiction, without additional legislative direction regarding the limits of permissible information sharing and the relative priority of orders, the committee declines to expand the proposal. The issues raised by the commenters are more appropriately addressed to the Legislature for clarification and resolution.</p> <p>The committee does not recommend modifying the proposal in response to this comment. Rule 7.2210 subdivision (c) is located within Division 2 of Title 7 of the Probate and Mental Health Rules, specifically under the preliminary provisions of the CARE Act Rules. Rule 7.2210 provisions apply only to procedures in the CARE Act court to seal records of CARE Act proceedings. Because they do not apply to sealing juvenile court records, the procedures for sealing those records remain unchanged. The committee holds the view that the</p>

W24-03

Mental Health Law: CARE Act Rule Amendments and Form Revisions (Amend Cal. Rules of Court, rules 7.2210, 7.2221, 7.2225, and 7.2230; revise forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, CARE-105, CARE-106, and CARE-113)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>Probation Listed as a CARE Court Petitioner Lastly, we request revising the Petition to Commence CARE Act Proceedings (form CARE-100). As it currently reads, a “peace officer” is listed as a petitioner which includes probation, but we request revising the form to specifically list probation officer for clarity.</p>	<p>language is sufficiently clear in its current form.</p> <p>The committee does not recommend modifying the proposal in response to this comment. The term “peace officer” in <i>Petition to Commence CARE Act Proceedings</i> (form CARE-100) reflects the language used to categorize a first responder in subdivision (f) of section 5974 of the Welfare and Institutions Code. Specifying probation officers but not other peace officers would imply a distinction that the statute does not make. On the other hand, because peace officers include a wide array of individuals, listing the potential individuals would lengthen an already complicated form. The committee holds the view that clarification would be more appropriate in educational resources.</p>
2.	Orange County Bar Association by Christina Zabat-Fran, President	AM	<p>The Orange County Bar Association is strongly supportive of the CARE Act legislation and the amendments under SB35. We do believe this proposal appropriately addresses the stated purpose of implementing SB35 as detailed subject to our comments following. We cannot comment on whether initial experiences implementing the CARE Act suggest further changes to this proposal, except as outlined below, because our Court’s implementation is too recent - we suggest such request be directed specifically to the 7 County Courts themselves that are now implementing the Act.</p>	<p>The committee appreciates this comment. No response is required.</p>

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	Commenter	Position	Comment	Committee Response
			<p>1. SB35 was enacted as emergency legislation effective immediately on October 2, 2023. This proposal provides for the Rule amendments & Form revisions to only be effective on September 1, 2024. No reasons are provided for the delay in implementing SB35 until September 1, 2024. We recommend that these amendments be sooner implemented unless good cause exists for the delay since the 7 currently participating counties will be non-compliant for another 8 months, which will adversely affect future programs. [We understand the standard cycle for such proposal means an effective date of either January 1 or September 1. https://www.courts.ca.gov/documents/howprorule.pdf. We encourage use of any available means to expedite the effective date].</p> <p>2. Welfare & Institutions Code §5977.4(c) requires that the “Judicial Council shall adopt rules to implement the policies and provisions in this section and (stated provisions of the Act) to promote statewide consistency, including but not limited to, ... the process by which counsel will be appointed.” However, at footnote 14 the Council has “concluded that it would be impracticable to establish a single, uniform statewide appointment process because... circumstances vary widely among courts and counties.” The Act mandates that counsel be appointed at no charge and without reference to any ability to pay by the CARE Court</p>	<p>The committee does not recommend modifying the proposal in response to this comment. The now 8 participating counties are capable of maintaining compliance with the statute while awaiting the effective date of the rules and forms. For example, courts can already order the county agency to provide “information, including protected health information, necessary to support the determinations, conclusions, and recommendations in the report” in the “other” box on CARE-105.</p> <p>In balancing requests for an expedited effective date against requests for additional time for implementation the committee determined the recommended effective date of September 1, 2024, allows for adequate time of the formal proposal to undergo sufficient review and the incorporation of recommended changes.</p> <p>No response required.</p>

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	Commenter	Position	Comment	Committee Response
			<p>in accordance with WIC §5971(d), 5976(c), 5977(a), 5977.4, 5981.5, <i>et al</i> and that the Council fully implement these procedures.</p> <p>It is recommended that statewide procedures for appointment of counsel be implemented prior to the effective date for all 58 counties to participate in the Act (or, at the very least, that the subject be reviewed again in late 2024 or early 2025 as additional counties come on-board to ensure all such Counties have available means of appointing counsel). Without the statewide procedures it is doubted that certain smaller counties, and their judges and petitioning agencies, could coordinate effectively among the various eligible attorney-authorizing agencies.</p>	<p>The committee does not recommend modifying the proposal in response to this comment.</p> <p>The statute and rules provide statewide procedures for the appointment of counsel. Welfare and Institutions Code section 5977(a) in conjunction with rule 7.2230 define who may be appointed as respondent’s counsel in CARE Act proceedings and when appointment should occur in the process.</p> <p>The committee chose not to impose a uniform statewide process for appointment of counsel based on its determination that uniformity regarding the appointment process would lead to a lack of parity in practice. The committee previously determined that imposing a single statewide process would inevitably ignore relevant differences among the counties in the availability of qualified legal services projects, public defender systems, bench-bar relationships, and many other respects. Each court and county has experience appointing counsel in other types of proceedings and can leverage its experience and existing processes and systems to appoint counsel much more efficiently than it would be able to under a uniform statewide appointment process.</p>

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	Commenter	Position	Comment	Committee Response
				The statute and rules allow flexibility for counties to implement locally tailored procedures that would more adequately suit the needs of their specific court based on the resources available.
3.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	AM	<p>In response to the Judicial Council of California’s “Invitation to Comment W24-03, Mental Health Law: CARE Act Rule Amendments and Form Revisions,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal (if modified) and its ability to appropriately address its stated purpose.</p> <p>Through the experience gained during the Court’s initial implementation of the CARE Act, the following recommendations may better facilitate its statewide expansion:</p> <ul style="list-style-type: none"> • Establish JBSIS reporting requirements. • Permit form CARE-101 to be filed with, or after the filing of the petition, as there may be occasions when supplemental information is provided prior to the prima facie finding on CARE-101. Current language on CARE-100 implies that CARE-101 may only be used as an attachment to the petition. 	<p>The committee appreciates this comment. No response required.</p> <p>The subject of the comment is beyond the scope of this proposal.</p> <p>The committee does not recommend modifying the proposal in response to this comment. Section 5975 requires the petition to “contain” either an affidavit from a licensed behavioral health professional (§ 5975(d)(1)) or evidence that the respondent was detained for a minimum of two intensive treatments, the most recent one within the last 60 days of filing the petition (§ 5975(d)(2)). In other words, if the petitioner is including CARE-101 to satisfy section 5975(d)(1) requirements, it is intended to be included with the filing of petition (form CARE-100).</p>

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			<ul style="list-style-type: none"> Address the concern that petitioners may identify other court cases, but not provide attorney information for notice purposes; therefore, access to Juvenile, AOT and LPS records may be required to determine party information for county agencies to provide notice(s) to attorney(s) in other case(s). 	<p>At the same time, it is certainly possible that a petitioner may wish to supplement an already filed petition. There is nothing that prohibits form CARE-101 supplementally, and the instructions on the form only say that “[t]his form will be used to help the court determine whether respondent meets the diagnostic criteria for CARE Act proceedings.”</p> <p>The committee does not recommend any change to the proposal in response to this comment. The committee has balanced the usefulness of additional information with the petitioner’s need for simplicity in what is already a complicated process. Sections 5972 and 5975 specify the information required to be included in the petition. Any additional information requested, including the name and contact information of the respondent’s attorney in a related case, is optional in acknowledgment that many petitioners may be unable to provide it.</p> <p>To ensure that respondent’s counsel in a related case is informed of the CARE Act proceedings, the committee’s amendments to rule 7.2230 establish a process for the court to order the county agency to provide that information to counsel. The committee also plans to develop an optional form for courts and agencies to use in this process and circulate it for public comment soon.</p>

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			<p>Although the Court does not see any cost savings from the proposal, it anticipates that additional costs may be incurred through:</p> <ul style="list-style-type: none"> • Additional notice requirements. • Searches to identify related case information. • Additional resources required to process sealing orders. • Additional resources required to record information regarding ongoing rights of original petitioners when granted. 	<p>The committee appreciates this comment. No response required.</p>
			<p>Additionally, the Court foresees the following implementation requirements which include, but are not limited to:</p> <ul style="list-style-type: none"> • Update of (or creation of) a notice form for the purposes of notifying the juvenile court that CARE Act proceedings have been initiated for individuals with a pending dependency, juvenile justice, or transitional petition. • Providing juvenile staff with information and training on how to process and track CARE Court petition notifications from CARE Court in the case management system (CMS). Creating event code(s) in the Juvenile CMS to track incoming notifications from CARE Court regarding newly filed CARE Court petitions. • Establishing procedures and CMS configurations for the sealing of CARE Court records. 	<p>No response required.</p>

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			<p>Lastly, the Court does not agree that three months from Judicial Council’s approval of this proposal until its effective date will provide sufficient time for implementation, as the adoption of, and integration of new local forms into CMS may require additional time.</p>	<p>The committee does not recommend any change to this proposal in response to this comment. This proposal is in response to the passage of SB 35 which was enacted to fill gaps, clarify ambiguities, and correct inaccurate cross-references in the CARE Act. SB 35 was signed on September 30, 2023, and took effect immediately as an urgency statute. Eight counties and their superior courts have begun implementation of the CARE Act with integration of SB 35 changes. The remaining fifty counties must begin implementation by December 1, 2024. The changes to the law have already taken effect. In balancing requests for an expedited effective date against requests for additional time for implementation, the committee determined the council cannot delay the effect of its rules and forms beyond the time necessary.</p>
4.	<p>Superior Court of Orange County Juvenile Division by Katie Tobias, Operations Analyst</p>	NI	<p>Responses to Requests for Specific Comments:</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes, the proposal appropriately addresses the stated purpose.</p>	<p>No response required.</p>

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			<p>Does initial experience implementing the CARE Act suggest further changes to this proposal or, possibly in a future cycle, to other CARE Act rules and forms that would facilitate the statewide expansion of the CARE Act process?</p> <p>Yes, there may be consideration for possible modifications to this proposal, in future cycles, to CARE Act rules and forms.</p>	<p>No response required.</p>
			<p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No, the proposal will incur ongoing costs of print, copy, and provide the mandatory forms.</p>	<p>No response required.</p>
			<p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>The implementation, as outlined, involves training staff, developing procedures, creating docket codes in the case management system, and establishing processes for data collections and reporting for the Juvenile Court. Additionally, these changes would impact existing practices related to psychotropic medication in both regular and collaborative courtrooms which would change</p>	<p>No response required.</p>

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			<p>our current practices, procedures, and forms to accommodate these changes effectively.</p>	
			<p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>No, a duration of 6-12 months would be more suitable.</p>	<p>The committee does not recommend any change to the proposal in response to this comment. This proposal is in response to the passage of SB 35 which was enacted to fill gaps, clarify ambiguities, and correct inaccurate cross-references in the CARE Act. SB 35 was signed on September 30, 2023, and took effect immediately as an urgency statute. Eight counties and their superior courts have begun implementation of the CARE Act with integration of SB 35 changes. The remaining fifty counties must begin implementation by December 1, 2024. The changes to the law have already taken effect. In balancing requests for an expedited effective date against requests for additional time for implementation the committee determined the council cannot delay the effect of its rules and forms beyond the time necessary.</p>
			<p>How well would this proposal work in courts of different sizes?</p> <p>Our court, being of considerable size, has the potential to implement this effectively in Orange County. While establishing a CARE Court is essential, integration with the current collaborative courts is imperative. Although feasible for Orange</p>	<p>No response required.</p>

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	Commenter	Position	Comment	Committee Response
			County, the development of these practices entails a substantial amount of work and coordination.	
5.	Superior Court of Riverside County by Sarah Hodgson, Chief Deputy of Legal Services, General Counsel	NI	<p>Generally, in support of this proposal.</p> <p>The following comments are related to juvenile court only.</p> <p>Responses to Requests for Specific Comments:</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>The stated purpose of the amendments to CRC 7.2210 and the revisions to CARE-050-INFO and CARE-100, as they pertain to juvenile court, is to address the requirement to include communications between the CARE Act court and the juvenile court when applicable. The amendments do address the purpose of including communications, however there are several questions.</p> <ul style="list-style-type: none"> Regarding amended Rule of Court 7.2210(d), the Rule does not make clear how the notification from the CARE Act court to the juvenile court should be accomplished, or what information should be included. Clarification would be appreciated re: if the rule intends this to simply be a Notice that a petition has been filed, and whether other information should be provided (i.e., CARE Act case number, attorney information for CARE 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee appreciates this comment but does not recommend modifying the proposal in response. Because both CARE Act proceedings and juvenile court proceedings are confidential, the committee has determined that communication between the courts should be as limited as possible without clear statutory authorization. The current statute authorizes communication only by implication, in directing the council to include “communications between the CARE Act court and the juvenile court, as applicable,” in the rules.</p>

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			<p>Act case, whether petition is dismissed subsequently, etc.).</p> <ul style="list-style-type: none"> <li data-bbox="835 1268 1360 1435">• Additionally, the court would appreciate clarification re: whether the CARE Act court must provide a proof of notice of this information within the CARE Act proceeding. A form notice for court use 	<p>The CARE Act includes an express policy making CARE Act proceedings, information about them, and records of them confidential. The statute includes only one countervailing policy or provision authorizing or requiring disclosure of confidential information by the CARE Act court: in section 5979(a)(3), “the court” is required to consider the fact that a respondent failed to complete the CARE plan in a subsequent hearing under the LPS Act held within 6 months of termination. The statute does not otherwise authorize the CARE Act court to disclose information about the proceedings.</p> <p>The manner in which a CARE Act court informs the juvenile court that a CARE petition has been filed on behalf of a respondent who is within the juvenile court’s jurisdiction will be left to the court’s discretion, as long as confidentiality requirements are met. To emphasize this, the committees have revised paragraph (d)(1) to note that “[t]he court may, in its discretion, communicate this information in any suitable manner.” Given the communication is likely to occur between two divisions of the same court, methods of communication that impose a minimal burden may be available.</p> <p>The committee agrees clarification is needed and has revised rule 7.2210(d)(1) in response. For clarification, the committee has replaced “notify” with “inform” to emphasize that a formal notice process is not required. While rule 7.2210(d)</p>

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			<p>may be helpful to facilitate this and ensure no unneeded or confidential information is provided.</p> <ul style="list-style-type: none"> <li data-bbox="835 833 1381 1166">• Regarding amended Rule of Court 7.2210(d), the Rule does not make it clear what the juvenile court can or should do with the information provided. For example, should the information be recorded in the case management system in the juvenile case? If so, should that information be marked confidential or sealed since CARE Act proceedings are confidential? <li data-bbox="835 1357 1331 1422">• Can the information that a CARE Act petition has been filed be shared with 	<p>indicates that upon learning a respondent is within a juvenile court’s jurisdiction, the CARE Act court must notify the juvenile court that a CARE Act petition has been filed on behalf of that respondent, the rule does not require proof of such notice. The manner in which a CARE Act court informs the juvenile court that a CARE petition has been filed on behalf of a respondent who is within the juvenile court’s jurisdiction will be left to the court’s discretion, as long as confidentiality requirements are met. The following language has been added to the rule for clarification purposes, “[t]he court may, in its discretion, communicate this information in any suitable manner.”</p> <p>The committee does not recommend any change to the proposal in response to this comment. SB 35 directed the Judicial Council to adopt rules that include “communications between the CARE Act court and the juvenile court, if applicable.” Proposed rule 7.2210(d) is in response to that direction and applies only to the actions of the CARE Act court. The juvenile court’s management of the information received is beyond the scope of the CARE Act and therefore of this proposal. Of course, any action taken by the juvenile court would need to conform to the laws governing disclosure of information and records of both CARE Act proceedings and juvenile court proceedings</p> <p>The committee does not recommend any change to the proposal in response to this comment. Rule</p>

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			<p>other parties/attorneys involved in the juvenile case, such as parents, CASA, the child welfare agency, probation, etc.? Per Rule 7.2210(f), must the respondent provide an express waiver to permit others involved in the juvenile case to be told that a CARE Act petition has been filed?</p>	<p>7.2210(f) does not authorize further communication outside of a waiver. At the same time, it does not prohibit further communication if authorized or required by another law.</p>
			<ul style="list-style-type: none"> As to the concurrent jurisdiction of the CARE Act and the juvenile court stated in Rule 7.2210(d)(2), there are numerous questions. Guidance will be needed as to which court’s orders will take precedence in the event of a conflict, as well as a mechanism for communication between the courts and parties/attorneys to resolve conflicting orders and avoid improper ex parte communication between the judicial officers. 	<p>The committee does not recommend any change to the proposal in response to this comment. These issues are beyond the scope of this proposal and a matter for legislative resolution.</p>
			<ul style="list-style-type: none"> Regarding Rule of Court 7.2210(e), a form notice would be helpful and appropriate for the county agency to use. This would make the notification to the juvenile court attorney easier, and ensure that no unneeded or confidential information is provided. <p>Additionally, how will the Care Act court know the attorney information from the juvenile case? Juvenile cases are confidential and at least theoretically, the</p>	<p>The committee appreciates this comment and plans to develop an additional form for optional use by the court and county agency in this process and circulate it for public comment in the near future. If the CARE act court has access to the attorney information, it could be provided there.</p>

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			<p>county agency should not have access to this information.</p> <ul style="list-style-type: none"> • Regarding Rule of Court 7.2210(f), more clarification is needed as to what confidential information is allowed to be communicated absent an express waiver. As currently phrased, it appears the only information that can be shared per Rule of Court 7.2210(d) is the fact that a CARE Act petition was filed. • Perhaps a form notice would be appropriate. This would make the notification to the juvenile court and juvenile court attorney required by subdivisions (d) and (e) easier, and ensure that no unneeded or confidential information is provided. • The advisory comments to amended Rule 7.2210 are very helpful and assist with the stated purpose. • Regarding revisions to the Judicial Council form <i>Information for Petitions - About the CARE Act (CARE-050-INFO)</i> to provide instructions on information to include if the petition is being filed in response to a referral from another court proceeding, if the respondent is within a juvenile court’s dependency, delinquency, 	<p></p> <p>The committee does not recommend any change to the proposal in response to this comment. Rule 7.2210(f) does not authorize disclosure of information beyond that expressly authorized in subdivision (d) and (e) and absent an express waiver by the respondent. The rule does not prohibit such disclosure, but authorization for such disclosure is outside of the scope of this proposal and a matter for legislative resolution.</p> <p>The committee appreciates this comment and plans to develop an additional form for optional use by the court and county in this process and circulate it for public comment in the near future.</p> <p>The committee appreciates this comment. No response required.</p> <p>No response required.</p>

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			<p>or transition jurisdiction, or if the respondent has a conservator: the instructions included for Item 7 regarding a juvenile case are useful and do address the stated purpose regarding communication between the CARE Act court and the juvenile court.</p> <p>However, it may be common for petitioners not to have this information. What happens when the petitioner does not know about an existing juvenile case, case number, or the attorney information on the juvenile case? The petition will still be filed, however needed information will be missing that that would be needed to assist with the stated purpose of providing information to the juvenile court and/or attorneys.</p> <p>What can the CARE Act court do with this information? Can it be recorded in the case management system in the CARE Act case?</p>	<p>The committee does not recommend any change to the proposal in response to this comment. The committee has to consider balancing the usefulness of additional information with simplicity for the petitioner in what is already a complicated process. The statute indicates in sections 5972 and 5975 the information required to be included in the petition. The additional information requested beyond that required by statute is optional as many petitioners may be unable to provide the name and contact information of the attorney in the related case.</p> <p>Upon learning that a respondent is within a juvenile court’s dependency, delinquency or transition jurisdiction, rule 7.2210(d) allows the information provided in item 7 of form CARE-100 to be used by the CARE Act court to inform the juvenile court that a CARE petition has been filed on behalf of the respondent. This information can be recorded in the case management system in the CARE Act case.</p>

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			<ul style="list-style-type: none">Revisions to the Judicial Council form <i>Petition to Commence CARE Act Proceedings (CARE-100)</i> that affect juvenile court are, the provision of information, if known and if applicable, about a judicial proceeding from which the respondent has been referred, and whether the respondent is within a juvenile court’s dependency, juvenile justice, or transition jurisdiction or has a court-appointed conservator. This revision corresponds to rule 7.2210(d), which requires the CARE Act court to notify the juvenile court that a CARE Act petition has been filed on behalf of a respondent within the juvenile court’s dependency, juvenile justice, or transition jurisdiction. It also corresponds to rule 7.2210(e), which requires the CARE Act court to order the county agency to notify the respondent’s attorney in a proceeding identified in section 5978 or a respondent within a juvenile court’s dependency, juvenile justice, or transition jurisdiction that a CARE Act petition has been filed on behalf of the respondent. Finally, the revision responds to the mandate in section 5977.4(c), directing the Judicial Council to adopt rules to implement provisions regarding communications between the CARE Act and juvenile court, if applicable. The revision to form CARE-	No response required.

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			100 to require such information increases the likelihood that the court and counsel would have that information.	
			<p>Does the initial experience implementing the CARE Act suggest further changes to this proposal or, possibly in a future cycle, to other CARE Act rules and forms that would facilitate the statewide expansion of the CARE Act process?</p> <p>From the juvenile court perspective, there are no responses to this question.</p>	No response required.
			<p>Would the proposal provide cost savings? If so, please quantify?</p> <p>No.</p>	No response required.
			<p>What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>Depending what the CARE Act court can do with the information provided in ITEM 7 of the CARE-100 form, and how the notice to the juvenile court is to be accomplished, updates may be needed to the case management system to record this information, and codes may be needed to give and file notice to the juvenile court. Minimal staff</p>	No response required.

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			<p>training would be required regarding how to give notice to the juvenile court.</p> <p>Updates may also be needed to the case management system for the juvenile court case to record the information provided from the CARE Act court such as the case number CARE Act court case and attorney information.</p>	<p>No response required.</p>
			<p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p>	<p>No response required.</p>
			<p>How well would this proposal work in courts of different sizes?</p> <p>The proposal would likely work the same for any size court.</p>	<p>No response required.</p>
			<p>Additional Suggested Revisions re: CARE-060-INFO from Self Help Perspective:</p>	<p>No response required.</p>
			<p><u>Page 1, Item #1</u> Currently phrased: “The CARE Act applies only to specific people. The petition asks a court to decide if you are one of them.”</p> <p>Suggested edit in red: “The CARE Act applies only to specific people. The petition asks a court to decide if the CARE Act applies to you.”</p>	<p>The committee appreciates this comment but does not recommend the suggested change. Revising form CARE-060-INFO to align with the suggested edit, “The CARE Act applies only to specific people. The petition asks a court to decide if the CARE Act applies to you” would require revision of the subsequent paragraph, which would result in language less straightforward than the current language.</p>

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			<p><u>Page 2, Item #6</u> Consider deleting item 6 since it is redundant with Item #1, which states “you are called the <i>respondent</i>.”</p>	<p>The committee appreciates this comment but does not recommend the suggested change. While both Item 1 and Item 6 of form CARE-060-INFO indicates who the respondent is, the committee determined that emphasizing and ensuring the clarity of the respondent’s identity is more crucial than eliminating any potential redundancy.</p>
			<p><u>Page 4, Item #12</u> Currently phrased: “The supporter helps you understand, communicate, make decisions, and express your preferences. Your supporter can go to any meetings, appointments, or court hearings that you want them to during the process. It’s up to you.”</p> <p>Suggested edit in red: “The supporter helps you understand, communicate, make decisions, and express your preferences. You can decide to have your supporter go to meetings, appointments or court hearings that you want them to attend during the process.”</p> <p>Explanation for suggested edit: The phrase “It’s up to you” could be revised to more effectively convey that the respondent can choose what participation level the supporter has.</p>	<p>The committee agrees with the suggested change and has revised the form in a similar manner.</p>
			<p><u>Page 4, Item #13</u> Currently phrased: “You have the right to an interpreter at all CARE Act court hearings. When your court-appointed attorney contacts you, make sure to let them know that you do not speak</p>	<p>The committee appreciates this comment. The committee agrees with the suggested change and has modified the form in a similar manner.</p>

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			<p>English and will need an interpreter for court hearings. When you go to court, tell the judge you need an interpreter if you or your attorney haven't already asked for one."</p> <p>Suggested edit in red: Let When your court-appointed attorney contacts you, make sure to let them know that you do not speak English and will need an interpreter for court hearings."</p> <p>Explanation for suggested edit: Deleting extra language makes the sentence easier to understand.</p>	
6.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p>Comments on Rules: Rule 7.2210: Subdivisions (c)(2) and (c)(5) – recommend rephrasing “business” days to “court” days to be consistent with subdivision (c)(3) and with the statutes and Rules of Court that reference notice periods relating to CARE Act proceedings (e.g., §5977(a)(3)(A)(iii), (a)(3)(B); CRC 7.2235(b)(1), (c)(1)).</p> <p>Responses to Requests for Specific Comments:</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Does initial experience implementing the CARE Act suggest further changes to this proposal or, possibly in a future cycle, to other CARE Act rules and forms that would facilitate the</p>	<p>The committee appreciates this comment. The committee agrees with the suggested change and has modified rule 7.2210(c)(2) and (c)(5) in response to this comment.</p> <p>No response required.</p>

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			<p>statewide expansion of the CARE Act process?</p> <p>No suggested further changes at this time. The current rules and forms have been working well for our court.</p>	<p>No response required.</p>
			<p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No.</p>	<p>No response required.</p>
			<p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>Training business office and courtroom staff, updating processes and procedures.</p>	<p>No response required.</p>
			<p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p>	<p>No response required.</p>
			<p>How well would this proposal work in courts of different sizes?</p> <p>It appears the proposal would work for courts of various sizes.</p>	<p>No response required.</p>

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7.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee	A	JRS Position: Agree with proposed changes.	No response required.
			The JRS notes that the proposal is required to conform to a change of law.	No response required.
			The JRS also notes the following impact to court operations:	
			<ul style="list-style-type: none"> • Requires development of local rules and/or forms. <ul style="list-style-type: none"> ○ Court will need to draft procedures, local rules and forms to deal with a number of changes made, such as Re Sealing of records (§ 5976.5(e)) - Court to develop a procedure and local rule for hearings from opposition. 	No response required.
			<ul style="list-style-type: none"> • Impact on local or statewide justice partners. <ul style="list-style-type: none"> ○ Proposed section “No communication of further information (§ 5976.5)” limits the communication between CARE Court and juvenile court in cases a juvenile court respondent is also has a CARE filed on their behalf. This may be challenging as both courts will be ordering Case Plans or CARE Plans for the individual. ○ It would be helpful to allow the members of the juvenile court and CARE Court teams, which include justice partners, social workers, 	<p>The committee appreciates this comment but does not recommend any change to the proposal in response. In the absence of legislative authority, the issue is beyond the scope of this proposal and a matter for legislative resolution.</p> <p>The committee appreciates this comment but does not recommend any change to the proposal in response. In the absence of legislative authority, the issue is beyond the scope of this proposal and a</p>

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			<p>and behavioral health clinicians, to share information to align the services ordered in the best interest of the individual in order to avoid duplicate service or contrasting services. Since Juvenile court hearings are also confidential, Care Court information shared with the juvenile court would still be confidential.</p> <ul style="list-style-type: none"> ○ Order for CARE Act Report (CARE-105) - This order has an important addition in section 3. E. that allows County agencies such as county behavioral health departments clear authority to provide more detailed info in the CARE Act report that the county may otherwise not be able to release. 	<p>matter for legislative resolution.</p> <p>No response required.</p>
			<p>CARE Act is an entirely new court model that needs clarifications. There will likely be need for further clarification or developing further rules of court regarding referrals from criminal court and Probate Court to CARE Court.</p>	<p>No response required.</p>
			<p>Responses to Requests for Specific Comments:</p> <p>Does the proposal appropriately address the stated purpose?</p>	

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			<p>Yes.</p> <p>Does initial experience implementing the CARE Act suggest further changes to this proposal or, possibly in a future cycle, to tother CARE Act rules and forms that would facilitate the statewide expansion of the CARE Act process?</p> <p>Yes. CARE Act is new and will likely need some revisions or clarifications. I would anticipate the need for clarification or developing further processes regarding referrals from criminal court and Probate Court to CARE Court.</p> <p>Would the proposal provide cost savings? If so, please quantify?</p> <p>No, it appears there would be minimal financial impact other than printing additional copies of the new forms for the public and staff.</p> <p>What would the implementation requirements be for courts- for example, training staff, revising process and procedures, changing docket codes in CMS, or modifying CMS?</p> <p>The Court would need to develop minor additional internal processes for legal processing and court room procedures. There would also be minor changes needed in the case management system.</p> <p>Would three months from the JC approval of this proposal until its effective date provide sufficient time for implementation?</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>I don't see an issue with how this proposal would significantly impact courts of different sizes.</p>	<p>No response required.</p> <p>No response required.</p>
8.	Trusts and Estates Section of the California Lawyers Association, Executive Committee by Ryka Farotte, Executive Committee Member	NI	<p>The proposal requests specific comments on possible changes to the proposal or in a future cycle to facilitate the statewide expansion of the CARE Act process. TEXCOM recommends that the CARE-060-INFO form be expanded to include a section informing respondents of the possible consequences of failing to participate in the CARE process or complete their CARE plan as set forth in Welfare and Institutions Code section 5979.</p> <p>TEXCOM believes the inclusion of a discussion on section 5979 is appropriate to ensure respondents are fully informed regarding the CARE Act proceedings. Specifically, respondents should be properly notified of what exactly is "at stake" in the process if they choose not to participate. Without this information, there is potential respondents may be confused regarding this issue if they were to research the process online and see references only to the fact that the</p>	<p>The committee appreciates this comment but does not recommend the proposed changes. Form CARE-060-INFO was developed and subsequently revised to concentrate on the initial hearings (i.e. initial appearance and hearing on the merits) because it will be served on the respondent along with the <i>Order for CARE Act Report</i> (form CARE-105), which indicates court appointed counsel's contact information. Appointment of counsel occurs once the court finds that the petitioner has made a prima facie showing that the respondent is or may be a person described by section 5972.</p> <p>Additionally, any potential consideration of failure to complete a CARE plan in a subsequent hearing under the Lanterman-Petris Short Act would not occur until further along in the CARE Act process after a CARE Plan has been ordered. Appointed counsel will be able to assist respondent in navigating through the court process, including providing explanation throughout the process of the possible consequences if respondent chooses not to participate.</p>

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			<p>CARE plan is voluntary and that there are no civil or criminal penalties involved. Thus, for example, respondents could be unaware that the failure to complete a CARE plan can be considered in subsequent hearings under the Lanterman-Petris Short Act.</p> <p>As a result, TEXCOM recommends a notice of the above issue be added to the form to better fulfil its purpose in helping respondents understand the CARE process and better facilitate the statewide expansion of the process.</p>	