



Subject Text

Meeting materials
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File #: 24-095, Version: 1

Title

Rules and Forms | Mental Health Law: CARE Act Rule Amendments and Form Revisions (Action Required)

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).