

## CARE Act

# Community Assistance, Recovery, and Empowerment Act

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

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



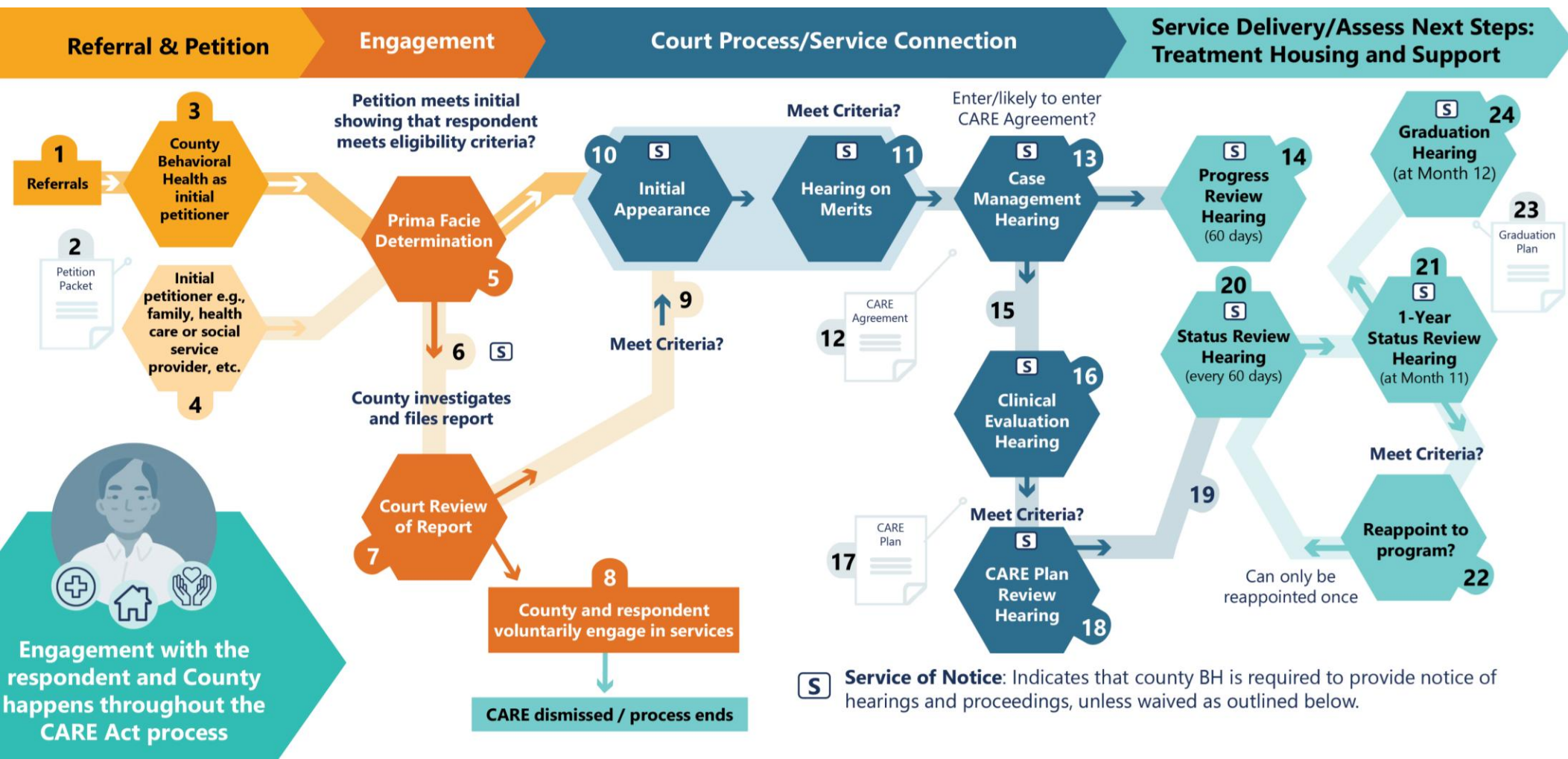
## CARE Act Process Flow Overview

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

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

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

## CARE Act Process Flow



## Process Flow Details

Crosswalk the numbers shown here with the following information to learn more details about the CARE Act Process Flow.

CARE Process Flow adapted from process flow shared by LA County, and further informed by process flows shared by Riverside, San Diego, and San Francisco counties.

## Referral & Petition

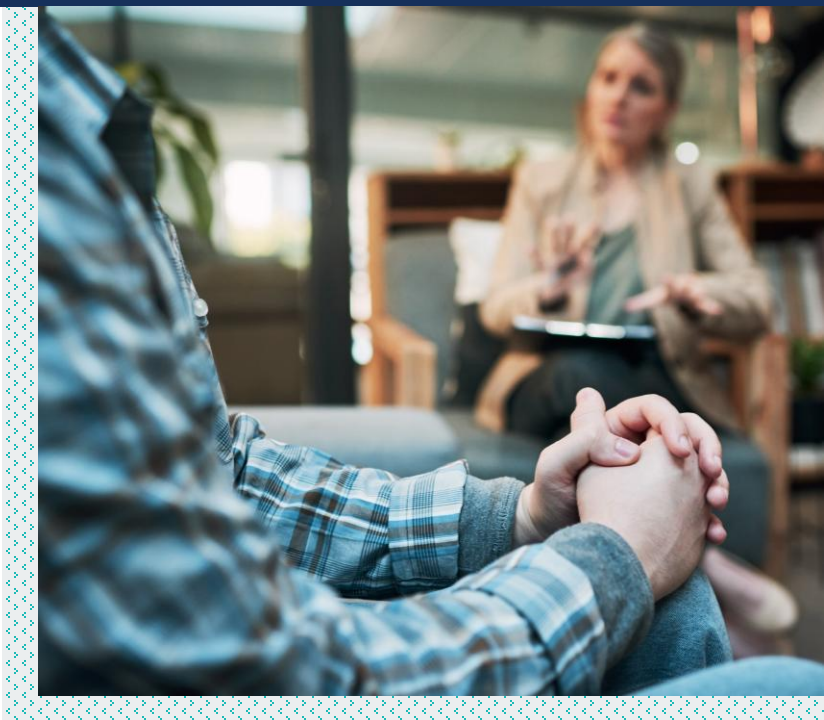
A case begins when a person petitions the court to determine a respondent's eligibility and begin CARE proceedings.

- 1 County behavioral health agencies must accept referrals from certain courts and designated facilities. They may create referral pathways for others as well.
- 2 A petition must include information that will help the court determine if an individual is likely to be eligible.
- 3 County behavioral health agencies may file petitions.
- 4 The statute allows for a range of other individuals to file petitions, such as family members, health care or social service providers, or first responders. Respondents may file a petition on their own behalf.

## Engagement

During engagement, the court will assess eligibility for CARE proceedings and the county behavioral health agency will conduct outreach and engagement activities to connect with the individual. The county behavioral health agency may be asked to provide information to the court.

- 5 Initially, the court will decide if the petition shows that the individual meets, or may meet, eligibility criteria for CARE proceedings (i.e., a prima facie showing).
- 6 If the petition was filed by other than the county behavioral health agency, the court will order the agency to investigate and submit a report to determine whether the respondent meets, or is likely to meet, the eligibility criteria.
- 7 The court will review the county's report and make a determination.
- 8 During this time, the county behavioral health agency will attempt to engage the respondent in voluntary services and report to the court on the outcome of those efforts.
- 9 If the court finds that the respondent may qualify for CARE proceedings, and efforts to engage the respondent in services was not effective, the case will proceed through the court flow with the goal of connecting the respondent with services. At this point, the court will appoint an attorney to represent the respondent throughout the proceedings, at no cost.



## Court Process/Service Connection

During the court process, the case will proceed by continuing to assess eligibility. The individual will also be engaged in the development of a CARE agreement or CARE plan, which are tailored to the respondent's needs.

- 10** At the initial appearance, if the petition was filed by other than the county behavioral health agency, the original petitioner is substituted out, and the director of the county behavioral health agency is appointed. During this appearance, the respondent has the option to select a volunteer supporter.
- 11** At the hearing on the merits (which can be combined with the initial appearance), the court determines if the respondent meets eligibility criteria under a clear and convincing standard.
- 12** An important component of this court process is that the respondent, their attorney, their volunteer supporter, and the behavioral health agency will work together to create a voluntary CARE agreement.
- 13** At the case management hearing, if a CARE agreement is not likely to be reached, the court will order the county behavioral health agency to conduct a clinical evaluation.
- 14** If a CARE agreement was reached, the court will set a progress review hearing to monitor the respondent's adherence to the CARE agreement.
- 15** If a CARE agreement can't be reached, the county behavioral health agency will prepare a clinical evaluation that will report to the court on the individual's clinical diagnosis, whether they have the legal capacity to give informed consent regarding psychotropic medications, and any additional information and recommendations for services and supports.
- 16** The court will review the clinical evaluation and other evidence from the county behavioral health agency and the respondent, which could include testimony from witnesses. At the clinical evaluation hearing, the court will determine if the respondent meets the eligibility criteria and if so, the court will order development of a CARE plan.
- 17** At this point, the respondent, their attorney, their volunteer supporter, and the behavioral health agency will work together to create a CARE plan that includes services the respondent is entitled to receive under the CARE Act. These services should be collaboratively determined, according to the specific needs of the respondent. Ideally, the parties submit a joint proposed plan to the court. If they are not able to do so, they may request for different elements to be included in the CARE plan.
- 18** During the CARE plan review hearing, the court adopts the elements of the proposed CARE plan(s) that best supports the recovery and stability of the respondent and may issue orders necessary for the respondent to access those services.



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

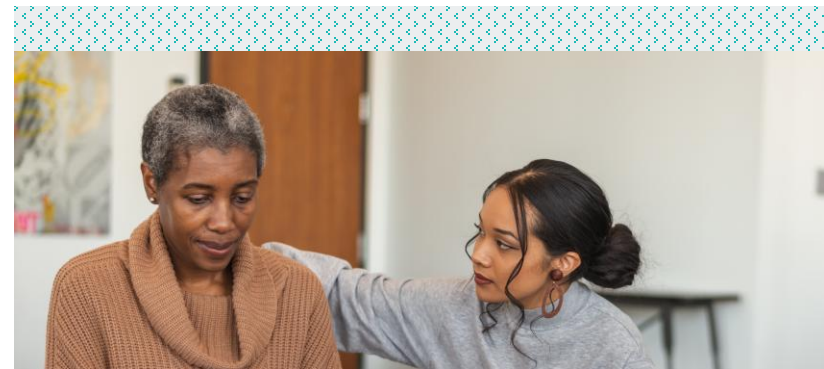
During service delivery, a respondent will receive services indicated in their CARE agreement or CARE plan: behavioral health services (including treatment for substance abuse disorder, medically-necessary stabilization medications (as applicable), housing resources & supports, and funded social services, including those services available to indigent California residents.

- 19 The county behavioral health agency should monitor the respondent's progress. They should also ensure that the appropriate services and supports are being provided.
- 20 Progress will be checked at progress hearings, at intervals set by the court. These hearings provide the court an opportunity to monitor the respondent's progress in completing their CARE plan and consider whether any changes are needed. The court also will determine whether services are accessible to the respondent and address any issues that may arise.
- 21 At month 11 of a CARE plan, it will be determined if the respondent is either ready to graduate or the respondent may be reappointed.
- 22 At respondent's request, the court may permit the respondent's ongoing voluntary participation in the program for up to an additional year. Upon certain specific findings, the court may involuntarily reappoint the respondent to the program for up to one additional year.
- 23 If the respondent elects to graduate and the court agrees, the court will order the parties to develop a graduation plan.
- 24 The graduation plan is presented to the court for its review. A graduation plan is a voluntary agreement that includes a strategy to support the respondent's successful transition out of the CARE process.



## Additional Resources

- Consider viewing the training materials on [CARE-Act.org](https://www.care-act.org) under training materials, including [Orientation to the CARE Act Process](#).
- Consider viewing the additional CARE Act resources:
  - [CARE Process Flow for County Behavioral Health](#)
  - [Eligibility Criteria](#)
  - [CARE Act at a Glance](#)
  - [Volunteer Supporter Toolkit](#)



## Statute Language & Citation

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