

**CARE Act Training & Technical Assistance**

**THE SUPPORTER ROLE  
IN THE CARE ACT**

Training Category: Equitable & Person-Centered Care



This session is presented by Health Management Associates. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement by, California Department of Health Care Services.



[Slide Image Description: This cover slide introduces the title and category of this training. It contains the logos for the California Department of Health Care Services and Health Management Associates.]

This training provides an overview of the supporter role in the CARE Act meant to orient volunteer supporters around their roles and responsibilities.

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## Supporter Role in the CARE Act

### Brief on the supporter role in the CARE Act.

- » What does the supporter role entail?
- » Who is the supporter?
- » What are the key operating principles of the supporter's role?
- » How is the supporter selected?
- » Can a supporter change throughout the CARE proceedings?
- » What are considerations that should guide the supporter role?
- » What can a supporter participate in?
- » What trainings are available to supporters?
- » Statute Language & Citation



Available on [CARE-Act.org](http://CARE-Act.org).



[Slide Image Description: This slide shows an image of a resource being developed on the supporter role.]

Another resource available to you is a brief on the supporter role, available on the CARE-Act.org website.

It will cover topics such as:

- What does the supporter role entail?
- Who is the supporter?
- What are the key operating principles of the supporter's role?
- How is the supporter selected?
- Can a supporter change throughout the CARE proceedings?
- What are considerations that should guide the supporter role?
- What can a supporter participate in?
- What trainings are available to supporters?
- Statute Language & Citation

**Available Trainings  
for Supporters**

- The CARE Process
- CARE Plan/Agreement and Supports
- Supported Decisionmaking
- Trauma-informed Care
- Elimination of Bias
- Psychiatric Advance Directives
- Family Psychoeducation

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[Slide Image Description: This slide shows which trainings for volunteer supporters are currently available and in development.]

There are a number of trainings available that cover a number of topics, including:

- The CARE Process
- CARE Plan/Agreement and Supports
- Supported Decisionmaking
- Trauma-informed Care
- Elimination of Bias
- Psychiatric Advance Directives
- Family Psychoeducation

## Agenda

### The Role of the Volunteer Supporter in the CARE Act

- Explore the role of a volunteer supporter through a case study
- Outline CARE Act volunteer supporter role, requirements, and components

[Slide Image Description: This slide shows the major sections of this training on a light blue background.]

Like was mentioned, today's discussion will cover a few topics with the intent of helping volunteer supporters better understand their role and give them a few tools to consider how to successfully fulfil this role.

- **The Role of the Volunteer Supporter in the CARE Act**
  - Outline CARE Act volunteer supporter role, requirements, and components
  - List strategies for remedying potential communication challenges between a volunteer supporter and a client/respondent
- **An Introduction to Supported Decisionmaking**
  - Share concepts of person-centered planning and supported decisionmaking
  - Review of listening and communication skills a volunteer supporters can utilize to help client/respondents articulate their preferences and anticipate consequences of their decisions
- **Relationship Context for Volunteer Support Care**
  - Discuss types of relationship between volunteer supporter and a client/respondent

- Review of importance for volunteer supporter, regardless of relationship, to fully support client/respondent's self-determination
- Use scenarios to illustrate how different relationships may post potential challenges to supported decisionmaking process

## Objectives

At the end of the session, participants will have an increased ability to:

- » Understand the responsibilities of the volunteer supporter role
- » Identify key listening and communication skills for the volunteer supporter to ideally support a respondent's decision making

[Slide Image Description: This slide shows the learning objectives for this training with a light blue background.]

At the end of the session, participants will have an increased ability to:

- Understand the responsibilities of the volunteer supporter role
- Identify key listening and communication skills for the volunteer supporter to ideally support a respondent's decision making

## Presenters



**DARI POGACH, JD**  
Senior Consultant  
Health Management Associates



**BARRY J. JACOBS, PSYD**  
Principal  
Health Management Associates

[Slide Image Description: This slide includes images of the presenters of this training on a light blue background.]

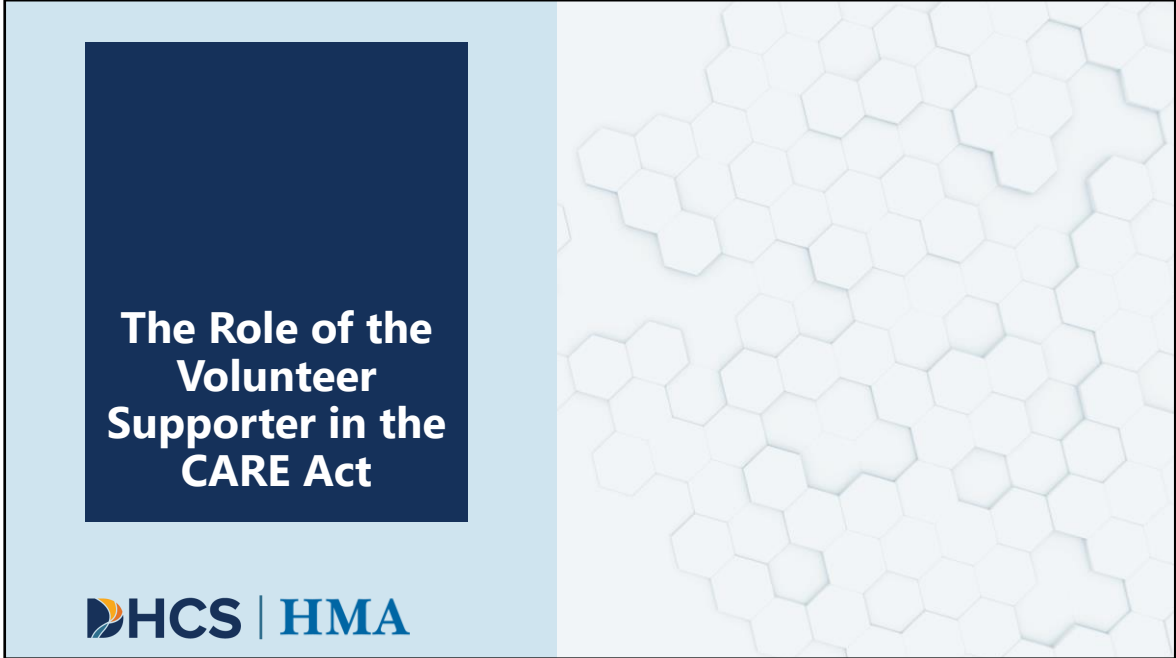
The presenters Dari Pogach, JD, and Barry J. Jacobs from Health Management Associates.

**Dari Pogach, from Health Management Associates, has more than 15 years of experience working with clients, communities, nonprofit organizations, policy makers, and state and national government leaders.** As a senior official with the District of Columbia’s Department of Aging and Community Living, Dari led the agency’s adult protective services, case management, and nursing home transition teams. **She developed and implemented a strategic plan for her division to support older adults and disabled individuals while maintaining their rights to self-direction and self-determination.** As an attorney, Dari advocated for individual clients and worked on local and national reform efforts to improve access to self-directed, high-quality supports and services. At the American Bar Association’s Commission on Law and Aging, **Dari developed nationally lauded tools and programs for attorneys and other professionals, facilitated stakeholder engagement across the country,** and led multimillion dollar projects dedicated to adult guardianship reform. **Dari has written**

**and presented extensively on a variety of disability and aging issues, including the right to self-determination; supported decisionmaking; elder abuse, neglect, and exploitation; adult guardianship and alternatives; end of life planning; and home and community-based services (HCBS).**

**Barry J. Jacobs, from Health Management Associates, is a clinical psychologist and family therapist** who has authored several books and dozens of articles on enhancing support for family caregivers. Dr. Jacobs provided more than 500 presentations about caregiving for family caregivers, community groups, and medical and mental health professionals. **He is an expert in behavioral health integration, complex care management, enhancing family caregiver engagement and supports, practice transformation, team-based care, and provider wellness.** He brings to HMA his knowledge and decades of clinical practice experience for individuals, couples, and families.





[Slide Image Description: This is a section divider slide to indicate a major section of this training.]

In this first section, we are going to outline CARE Act volunteer supporter role, requirements, and components.

### What is Ray's situation?

- » Diagnoses of schizophrenia, alcohol use disorder, type II diabetes
- » Currently not engaged with a MH provider; history of inconsistent use of antipsychotics
- » Recent emergency room visits related to his neuropathic foot pain
- » Currently unhoused and living on the streets
- » Referred for CARE Act proceedings by a Homeless Outreach worker
- » Elects his older sister as his volunteer supporter
  - » Knows she loves him but doesn't want her to tell him what to do
  - » Mistrusts her husband and his influence on her



### Case Example: Meet Ray



Disclaimer: This is a hypothetical case example. Any resemblance to an actual person is purely coincidental, including race, nationality, and gender.

[Slide Image Description: This slide shows an image of an individual depicting Ray and a description of Ray's situation.]

Let's use another case example to look at how SDM can be applied in the CARE proceedings.

### What is Ray's situation?

- Diagnoses of schizophrenia, alcohol use disorder, type II diabetes
- Not engaged with a mental health provider
- History of inconsistent use of antipsychotics
- Recent emergency room visits related to his neuropathic pain
- Currently unhoused
- Referred for CARE Act proceedings by a Homeless Outreach worker who checks in with him regularly
- Ray elects his older sister as his volunteer supporter

- Knows she loves him but doesn't want her to tell him what to do
- Mistrusts her husband and his influence on her

*Disclaimer: This is a hypothetical case example. Any resemblance to an actual person is purely coincidental, including race, nationality, and gender.*



## What is a Volunteer Supporter?

- » An adult who ensures that the respondent's needs and preferences are well-represented.
- » Someone chosen by the respondent (although the respondent may choose not to have a supporter).
- » Someone who can be removed by the court because of any conflict with the respondent.

For more information, visit the [CARE Act Fact Sheet](#) and the Volunteer Supporter Brief.



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[Slide Image Description: This slide shows an avatar representing the volunteer supporter, as well as the description of the volunteer supporter role.]

So let's explore the role of the volunteer supporter in the CARE Act, keeping in mind Ray's sister.

What is a volunteer supporter?

- A volunteer supporter is an adult who ensures that the respondent's needs and preferences are well-represented. One of those tools will be using principles of supporter decisionmaking, which we will go over in the next section.
- A volunteer supporter is someone chosen by the respondent (although the respondent may choose not to have a respondent).
- Keep in mind that a volunteer supporter can be removed by the court because of any conflict with the respondent.
  - Note: Conflict may literally be arguing, or making respondent feel uncomfortable or intimidated. The Supporter's role is to support respondent's informed decisionmaking, not pressure respondent in any way

For more information, visit the [CARE Act Fact Sheet](#) and the Volunteer Supporter Brief.

## What Does the Volunteer Supporter Do?

- Assist the respondent throughout the CARE process by using SDM
- Help maintain autonomy by developing voluntary supports
- Strengthen the respondent's capacity to exercise autonomous decisionmaking
- Support the will and preferences of the respondent**
- Respect respondent's values, beliefs, and preferences
- Avoid conflicts of interest
- Abide by laws that protect individuals being supported
- Utilize key principles of SDM, removing bias, trauma-informed care, and confidentiality

**DHCS | HMA** 10

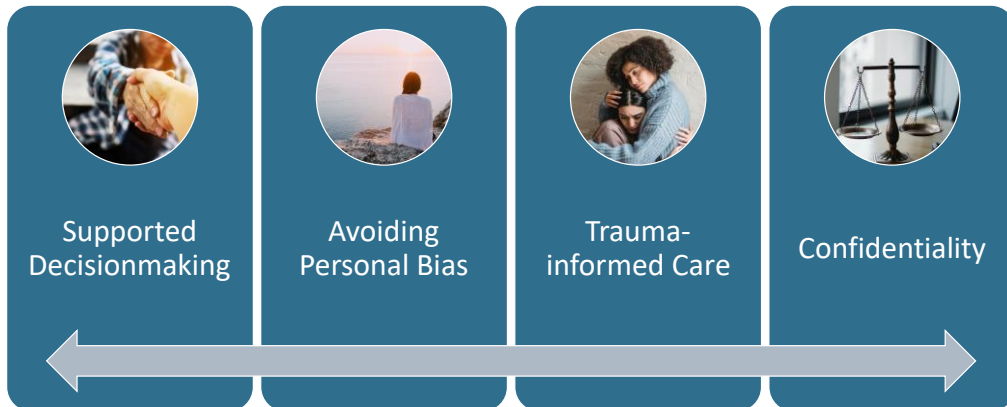
[Slide Image Description: This slide shows an avatar representing the volunteer supporter as well as the description of the volunteer supporter’s responsibilities.]

Let’s take a look at what a supporter will be doing as part of their role in the CARE Act.

What does the volunteer supporter do?

- Assist the respondent with understanding, making, and communicating decisions and expressing preferences throughout the CARE process
- Offer the respondent a flexible, culturally responsive way to maintain autonomy and decisionmaking authority over their own life by developing voluntary supports to assist them
- Strengthen the respondent’s capacity to exercise autonomous decisionmaking and prevent or remove the need for more restrictive protective mechanisms
- Support the will and preferences of the respondent to whatever extent possible
- Respect the values, beliefs, and preferences of the respondent
- Avoid conflicts of interest, such as conflict with the respondent
- Abide by laws to protect people with disabilities and older adults from mistreatment
- Utilize key principles: supported decisionmaking, removing personal bias, trauma-informed care, confidentiality (which we will talk through on the next slide)

## Key Operating Principles



[Slide Image Description: This slide shows four key operating principles of the supporter role.]

- Supported Decisionmaking
  - Supported Decisionmaking (SDM) is an important principle of the CARE Act. SDM helps people with disabilities keep their right to make their own decisions, with the right services and supports. In the SDM framework, a trusted person (or group of people) helps the individual make their own decisions. The trusted person never makes decisions for the respondent. The respondent must make the final decision.
  - Using the SDM framework, supporters willingly commit to joining the respondent's CARE Act team. Each supporter assists the respondent with understanding and representing their preferences and decisions. This happens throughout the CARE proceedings.
- Avoiding personal bias
  - The supporter should intentionally represent the will and preferences of the respondent, regardless if that matches what the supporter prefers.
- Trauma-informed care
  - Many respondents have experienced trauma. Trauma impacts their mental

and physical health. Trauma-informed care means operating in a respectful, consistent, and reliable manner. It reduces trauma triggers and associated behaviors for the respondent. Operating in a trauma-informed manner helps the respondent. It maintains trust with the supporter. It may increase engagement in supportive services.

- Confidentiality
  - Supporters must respect the respondent’s privacy. They should not discuss the respondent’s CARE process with anyone. The respondent can sign a formal Release of Information for the supporter to discuss this. The CARE Act protects the confidential relationship between the individual and supporters. Supporters cannot be asked to appear in court. Supporters cannot be called to testify against the respondent in any proceeding related to the CARE Act. A supporter appearing at a meeting, proceeding, or communication does not remove their duty to keep confidentiality. 5981 (e).

## Who Can Be a Volunteer Supporter?

Adults including (but not limited to):

- » A friend
- » A family member
- » A support person
- » A faith leader
- » A mentor
- » A mental health or social service provider
- » A person with lived experience in mental health and/or substance use disorder
- » Anyone the respondent chooses



[Slide Image Description: This slide shows a close-up of two individuals reaching for each other and a description of who can be a volunteer supporter.]

Now let's take a look at who can be a supporter:

- Adults, including (but not limited to):
  - A friend
  - A family member
  - A support person
  - A faith leader
  - A mentor
  - A mental health or social service provider
  - A person with lived experience in mental health and/or substance use disorder
  - Anyone the respondent chooses



## A Volunteer Supporter...

### CAN

- » Participate in meetings and communication regarding a respondent's:
  - Psychiatric evaluation
  - Development of a CARE agreement or CARE plan
  - Completion of a psychiatric advance directive
  - Development of a graduation plan
  - Judicial proceedings and status hearing

### CAN'T\*

*\*unless authorized by the respondent with capacity*

- » Make decisions on behalf of the respondent unless it is necessary to prevent imminent harm
- » Sign documents on behalf of the respondent
- » Waive confidentiality
- » Be subpoenaed and called to testify against the respondent in any proceeding

[Slide Image Description: This slide shows a list of what a supporter can and can't do.]

A volunteer supporter can:

- Participate in meetings and communication regarding a respondent's:
  - Psychiatric evaluation
  - Development of a CARE agreement or CARE plan
  - Completion of a psychiatric advance directive
  - Development of a graduation plan
  - Judicial proceedings and status hearing
- What "participation" looks like can vary, depending on the situation and the relationships. It could look like rephrasing questions for the respondent, making sure that the respondent's decisions are being respected, recalling wishes or questions the respondent has had.

A volunteer supporter cannot (unless authorized by the respondent with capacity):

- Make decisions on behalf of the respondent unless it is necessary to prevent imminent harm
  - Imminent harm refers to suicidal or homicidal actions, for example if someone has made a threat to hurt someone or themselves, or they are

wielding a gun or knife.

- Sign documents on behalf of the respondent
- Waive confidentiality
- Be subpoenaed and called to testify against the respondent in any proceeding

Note: A supporter's participation in meetings, etc. is at respondent's request and discretion. The supporter has no rights other than those consented to by respondent.

## Ideas in Action

» What are some potential challenges and solutions volunteer supporters face in optimizing respondents' autonomy?



**DHCS | HMA**

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[Slide Image Description: This is an Ideas in Action slide that provides an opportunity for participants to practice using the information. It contains a checkbox and an arrow.]

We have described the supporter's main role as someone who ensures that the respondent's needs and preferences are well-represented. Consider potential challenges and solutions volunteer supporters face in optimizing respondents' autonomy.

Potential challenges and solutions that Ray's sister might face:

- Interpersonal conflict with the respondent
  - The volunteer supporter will have to **compartmentalize other parts of their relationship** (if they had a preexisting one).
  - **Attend training sessions to help approach role with professionalism, not personal stake in decisions.**
- Don't agree with the respondent's decisions
  - The volunteer supporter may not agree with the respondent's decisions and choices, but still must focus on the preferences of the respondent. Consider their role and the outcome is that their choices were honored, rather than the ideal being that they make a predetermine choice.

## Objectives

At the end of the session, participants will have an increased ability to:

- » Understand the responsibilities of the volunteer supporter role
- » Identify key listening and communication skills for the volunteer supporter to ideally support a respondent's decision making

[Slide Image Description: This slide recaps the learning objectives for this training with a light blue background.]

At the end of the session, participants will have an increased ability to:

- Understand the responsibilities of the volunteer supporter role
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Questions

**Questions?**

[CARE-Act.org](https://www.care-act.org) | [info@CARE-Act.org](mailto:info@CARE-Act.org)

[Slide Image Description: This slide shows the CARE-act website and the email address.]

We are here to support you and provide you with those opportunities to connect and hear about implementing the CARE Act. The website is [CARE-Act.org](https://www.care-act.org) and our email address is [info@CARE-Act.org](mailto:info@CARE-Act.org).