

Community Assistance, Recovery, and Empowerment Act

Supporter Role in the CARE Act

In the CARE process, each individual respondent can choose a supporter. The supporter is an adult that makes sure that the CARE process reflects the respondent's rights and choices. The supporter partners with other CARE participants, including the respondent, counsel, Behavioral Health Agency, and judges.

Overview of the Supporter Role

What does the supporter role entail?

The supporter should empower each individual respondent to express their preferences throughout the CARE process. This includes navigating a CARE agreement or CARE plan, developing a graduation plan, and establishing a Psychiatric Advance Directive (also known as a PAD (5971(q), 5981(3))).*

If the respondent feels overwhelmed or confused, they can ask their supporter to explain CARE's components and purpose. The supporter and respondent may talk through the process. They can also diagram or write down how it works. The supporter can identify additional information or resources the respondent needs to best make their own choices during CARE proceedings.

The supporter has an important and challenging job. They support the respondent as a neutral party and ensure the respondent's voice is respected.

*A respondent may choose to involve other members of the CARE process and other natural supports to also participate.

The supporter:

1. Helps the respondent understand, make, and communicate decisions and express preferences throughout CARE proceedings.
2. Offers the respondent a flexible, culturally responsive way to maintain decisionmaking authority over their own life by developing and maintaining voluntary support systems.
3. Uses a supported decisionmaking (SDM) framework to increase a respondent's ability to make their own decisions. This can prevent more restrictive protective alternatives, such as conservatorship.

**For more information, see the materials
for the following trainings:**

[Supported
Decisionmaking For
Volunteer Supporters](#)

[Maintaining
Neutrality As A
Volunteer Supporter](#)

Who is the supporter?

A supporter is an adult chosen (or approved) by the respondent and should be someone they trust. The supporter must make time to attend CARE hearings and appointments (as the respondent prefers). The supporter may be a:

- Friend
- Family member
- Faith leader
- Mentor
- Person with lived experience in mental health and/or substance use disorder
- Behavioral Health Agency employee
- Social Service Provider
- Other support person

Note: Currently, there is no allocated funding for the supporter role.

What are the key operating principles of the supporter's role?

1. 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.

2. Avoiding personal bias

The supporter should intentionally represent the will and preferences of the respondent, regardless if that matches what the supporter prefers.

3. 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.

4. Confidentiality

A supporter may participate in any meeting, proceeding, or communication related to the CARE process. A supporter's participation does not impact confidentiality or waive privilege of the information discussed. Supporters must respect the respondent's privacy and keep all information confidential. A supporter cannot act independently or share information about the CARE process with anyone other than the respondent. Additionally, supporters cannot be subpoenaed or called to testify against the respondent in any proceeding relating to the CARE Act.

How is the supporter selected?

The respondent's counsel will tell the respondent about the option to choose a supporter. If possible, this should happen before the initial appearance on the CARE petition so the supporter can help respondent understand the petition and attend the hearing (if respondent chooses).

They may have their counsel ask the court for a voluntary supporter. The respondent must approve the supporter for them to participate in the CARE process.

The respondent may choose not to have a supporter.

Can a supporter change throughout the CARE proceedings?

The respondent may choose a new supporter any time.

The court may choose to remove a supporter if there is a conflict of interest, which means that there is a conflict that cannot be managed to avoid harming the respondent. If that conflict can't be managed, the court must remove the supporter.

What can a supporter participate in?

Respondents can ask supporters to participate in meetings, judicial proceedings, status hearings, or communications. These may be related to any of the following:

- A psychiatric/mental health evaluation
- Development of a CARE agreement or CARE plan
- Establishing a Psychiatric Advance Directive (PAD)
- Development of a graduation plan

What are considerations that should guide the supporter role?

- The supporter will support the will and preferences of each individual respondent to the best of their ability, as reasonably possible.
- The supporter will not act independently on behalf of the respondent.
- The supporter will respect the respondent's values, beliefs, and preferences.
- The supporter will act honestly, diligently, and in good faith.
- The supporter should avoid, minimize, and manage conflicts of interest to the greatest extent possible. Any conflicts should be shared with the court, the respondent, and the respondent's counsel.
- The supporter will abide by all laws and regulations that protect people from fraud, abuse, neglect, coercion, or mistreatment.

Unless authorized by the respondent with capacity to make that authorization, a supporter will not:

- Make decisions for, or on behalf of, the respondent, except when necessary to prevent imminent bodily harm or injury.
- Sign documents on behalf of the respondent.

What trainings are available to supporters?

The supporter will have access to trainings to carry out this role. These trainings are for all CARE stakeholders, including supporters. These trainings will deepen their understanding of the CARE process. They explore relevant ideas to make the CARE process stronger for all participants. Topics include:

- [The CARE process](#)
- [CARE agreement and CARE plan services and supports](#)
- [The supporter role within the CARE process](#)
- [Supported Decisionmaking](#)
- [Maintaining neutrality as a supporter](#)
- [Psychiatric Advance Directives](#)
- Trauma-informed care
- Elimination of bias
- Family psychoeducation
- Peer support
- Person-centered planning
- Community services and supports

Additional Resources

- Consider viewing the training materials on [CARE-Act.org](https://www.care-act.org) under training materials, including [CARE Act 201: The Client's Journey Through the CARE Act](#) and [CARE Act 202: The CARE Agreement & CARE Plan](#).
- Consider viewing the additional CARE Act briefs:
 - [The CARE Process Flow to Treatment, Housing, and Support](#)
- [Saks Institute for Mental Health Law, Policy, and Ethics](#)
- [Painted Brain](#)

Statute Language & Citation

“**Supporter**” means an adult, designated pursuant to Chapter 4 (commencing with Section 5980). A supporter assists the person who is the subject of the petition. This may include supporting the person to understand, make, communicate, implement, or act on their own life decisions during the CARE process, including a CARE agreement, a CARE plan, and developing a graduation plan. A **supporter** shall not act independently. (5971(q))

Please see statute language referencing the supporter role in Community Assistance, Recovery, and Empowerment (CARE) Court Program in [Welfare and Institutions Code § 5972](#). This includes the role of the supporter in the development of a CARE agreement (5977(c, 2)) and CARE plan (5977 (3, A)); responsibilities of the supporter (5989 (b) & 5981 (b)); what the supporter may not do (5981 (c)); references to the removal of a supporter (5981 (c)); stipulations that supporters are bound by existing obligations and prohibitions that protect people with disabilities and the elderly from fraud, abuse, neglect, coercion, or mistreatment (5981(d)); and the stipulation that a supporter shall not be subpoenaed or called to testify against the respondent (5981 (e)).