



FAQs – CARE Act Service Requirements

1. What are the service requirements for CARE Act proceedings?

Service – Respondent

Notice of all CARE Act proceedings must be served personally on the respondent or, if personal service is not practicable, by any method reasonably calculated to give the respondent actual notice.

Proof of service on respondent by any method other than personal service must include:

- An explanation why personal service is impracticable; and
- Why the alternative method of service used is reasonably calculated to give the respondent actual notice.

Service – Other Individuals

Notice must be served on all other persons entitled to receive notice by any of the following methods:

- Personally;
- By first class mail, express mail or overnight delivery;
- Fax transmission; or
- Electronically.

(Cal. Rule of Court 7.2235.)

2. Why is personal service required on the respondent?

Actual notice to the respondent is essential, and personal service is the most effective way to ensure actual notice. The purpose of the CARE process is to provide comprehensive treatment and supportive services to individuals who meet CARE criteria by assisting and working collaboratively with those individuals in efforts to promote supported decision making to find a path to wellness and recovery. Actual notice is necessary for CARE proceedings to effectuate these goals.

3. How did the Judicial Council decide to require personal service on the respondent?

During the comment process, numerous concerns were raised by various stakeholders, including county agencies, superior courts, and housing, legal aid, and disability rights advocacy organizations, noting the potential difficulties for service on respondents who may be subject to the CARE process. It was emphasized that, because CARE Act proceedings are likely to involve a disproportionate number of unhoused members of the community, who are unlikely to have a reliable or fixed mailing address to receive court

documents, any method other than personal service would be insufficient. Stakeholders noted confirmation of physical delivery of notices would be necessary to ensure receipt by the respondent and provide the most efficient and expeditious means of service.

In response to the concerns raised, and the emphasis that actual notice is crucial in CARE proceedings, it was determined service on the respondent by mail would be insufficient.

4. What if personal service is impracticable?

If personal service is impracticable, service by any method reasonably calculated to give the respondent actual notice is also allowed.