


Community Assistance, Recovery, and Empowerment Act

Senate Bill 1400 Amendments



The Community Assistance, Recovery, and Empowerment (CARE) Act provides community-based behavioral health services and supports through a civil court process for individuals who are experiencing a serious mental disorder and who meet other eligibility requirements.

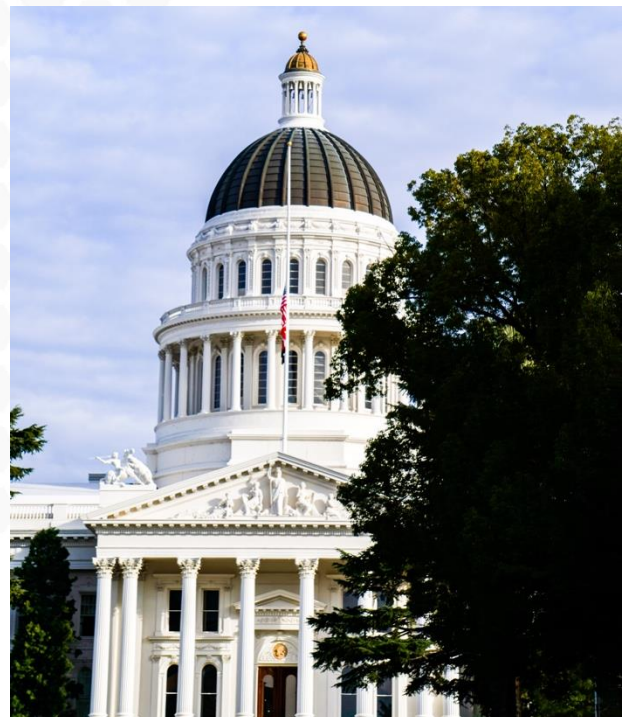
The CARE Act allows specified adults to petition the court to engage respondents in a broad range of treatment services and supports through a CARE agreement or CARE plan.

[Senate Bill \(SB\) 1400](#) (Stern, Chapter 647, Statutes of 2024) amends provisions of the Penal Code related to referrals to CARE of individuals deemed incompetent to stand trial (IST). The bill additionally amends provisions of the California Welfare and Institutions Code (W&I Code) to expand the requirements for data reporting, including data related to inquiries and referrals. SB 1400 will become effective on January 1, 2025. A summary of the substantive changes is bulleted in the sections below.

Clarifications on IST Referrals

Amendment related to misdemeanor incompetent to stand trial (MIST) referrals to CARE:

Provides that if the defendant is accepted into CARE, the criminal charges shall be dismissed six months after the date of the referral to CARE unless the defendant's case has been referred back to the criminal court prior to the expiration of that time period. The prior language provided that charges would be dismissed if defendant is *accepted* into the CARE process (without a mention of a six-month timeframe). ([Penal Code § 1370.01 \(b\)\(1\)\(D\)\(iv\)](#))



Data Collection & Reporting

This bill stipulates additional CARE Act data collection and reporting requirements. These new data requirements include the following:

New definitions for CARE participants

The bill introduces two new definitions to describe individuals engaged in CARE.

- a. **Active participant:** An individual who is an elective client or who has a CARE plan or CARE agreement. ([W&I Code § 5985\(a\)\(3\)\(B\)](#))
- b. **Former participant:** An individual who enters into CARE Act elective services (formerly referred to as voluntary county services and supports outside CARE Act proceedings), a CARE agreement, or a CARE plan but who has either graduated from CARE or for whom CARE Act proceedings were dismissed or terminated. ([W&I Code § 5985\(a\)\(3\)\(A\)](#))

Based on these definitions, elective clients are petitioned individuals who elect to receive county services and supports outside of CARE Act proceedings. The bill stipulates that many of the data elements shall be reported for all active and former participants.

The bill provides that the California Department of Health Care Services (DHCS) shall—in consultation with county behavioral health (BH) agencies and courts—specify the length of time data on CARE participants shall be reported. ([W&I Code § 5985\(a\)\(2\)](#))

Expands data collection reporting requirements

This bill requires additional data collection and reporting requirements (additional guidance on this requirement will be forthcoming), as follows:

- a. **CARE petitions:** The additional requirements include information related to reason(s) for CARE petition dismissal; county recommended reason(s) for dismissal; CARE eligibility criteria; attestation on clinical stability; and services provided during the CARE initiation period.
- b. **Outreach and engagement:** The bill requires the reporting of the type and frequency of county BH agencies' outreach and engagement activities for individuals who are the subject of a petition or system referral. Pursuant to the legislation, this is to include data on interactions about individuals eligible or likely to be eligible and outcomes of these efforts. ([W&I Code § 5985\(e\)\(10\)](#))
- c. **Contacts received by county BH agency:** The bill requires the collection and reporting of the aggregated number of contacts or inquiries, by source, made to a county BH agency regarding individuals eligible or likely to be eligible for the CARE process, including outcomes of those contacts. ([W&I Code § 5985\(h\)\(2\)\(b\)\(A\)](#))
- d. **Information for system-referred individuals:** The bill adds reporting requirements for individuals who may qualify for the CARE process and have been referred from other court programs, such as misdemeanor proceedings and Assisted Outpatient Treatment (AOT) proceedings.

Expands data collection reporting requirements

Additionally, the bill requires the reporting of the number of referrals of individuals from conservatorship proceedings and referrals from facilities under [W&I Code section 5978](#), including the disposition of the referrals. ([W&I Code § 5985](#) (h)(2)(b)(G) and (H))

Reporting requirements include the number, rates, and source of referrals; referral outcomes; services provided; and demographic data, including information related to CARE eligibility criteria.

Additional Guidance

Additional Guidance on these requirements will be forthcoming. ([W&I Code § 5985](#) (h))