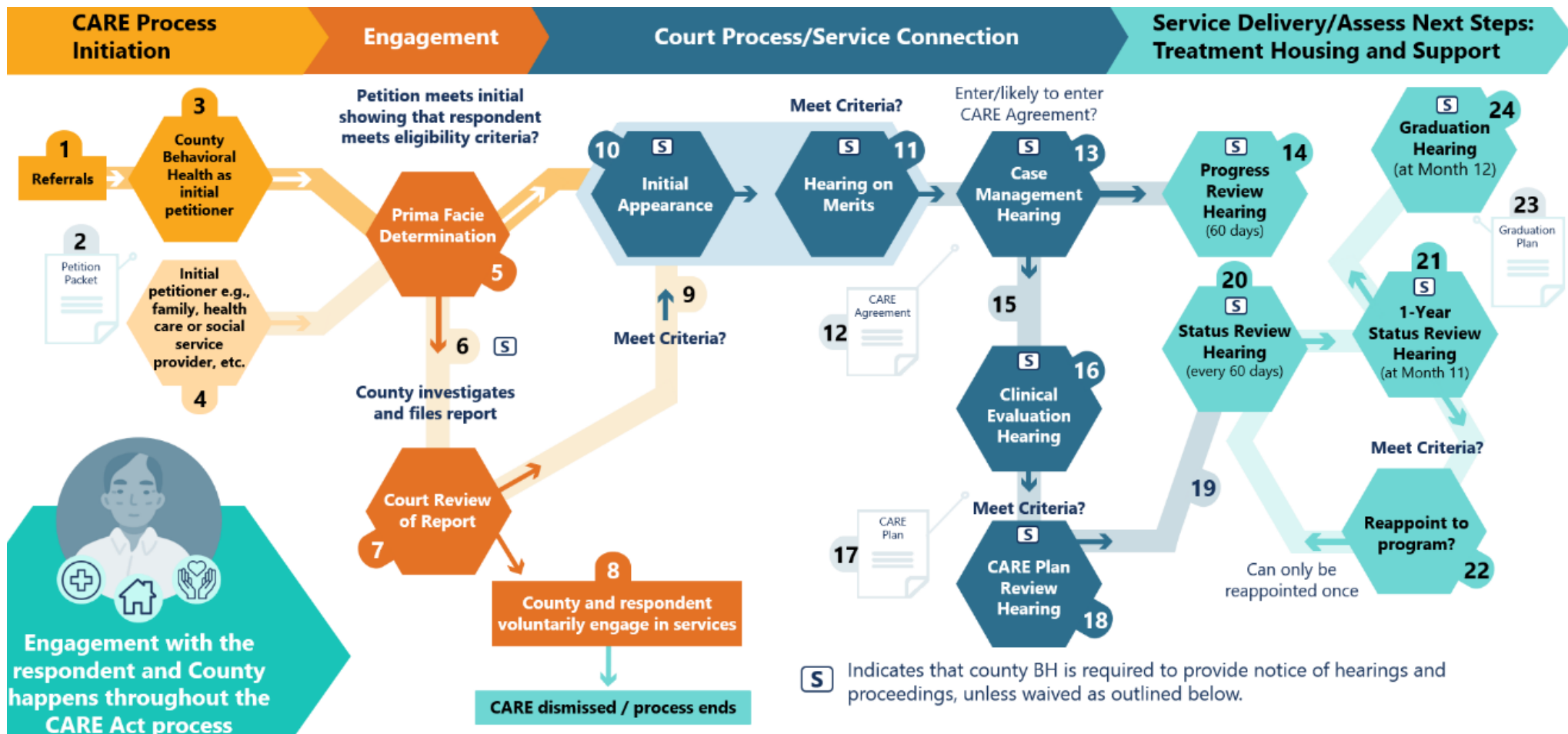


CARE Act

Community Assistance, Recovery, and Empowerment Act

CARE Process Flow for County Behavioral Health



CARE Process Flow for County Behavioral Health

The Community Assistance, Recovery, and Empowerment (CARE) Act is a civil court process which offers multiple pathways for **eligible adults**, promoting access to community-based behavioral health services and supports. This process is statutorily mandated in **California Welfare and Institutions Code (W&I Code) sections 5970-5987**.

This CARE Act Process Flow demonstrates how an individual's case may progress through the civil court, covering **case initiation, engagement, court process/service connection, service delivery**, and assessing for **reappointment or graduation**.

The CARE Act process encourages collaboration between all participants and promotes a person-centered process. This CARE Act Process Flow outlines specific considerations for county behavioral health (BH) at each step in the process flow. The CARE Process Flow was adapted from process flow shared by LA County, and further informed by process flows shared by Monterey, Riverside, San Diego, and San Francisco counties.

For considerations throughout, see **General Considerations**.

Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
CARE Process Initiation: A case is initiated when a person petitions the court to determine a respondent's eligibility and begin CARE proceedings.			
1	Formal referrals from courts (Assisted Outpatient Treatment [AOT] or incompetent to stand trial [IST], and Lanterman-Petris-Short Act [LPS] /conservatorship) or LPS designated facilities.	Create a process for accepting and following up on outside referrals from courts and LPS facilities. For referrals from LPS facilities, DHCS referral form and guidance is forthcoming. In the meantime, county BH is to accept facility referrals based on existing referral processes/forms. For misdemeanor IST (MIST) referrals and AOT referrals, county BH will be the petitioner. For felony IST (FST) referrals, it is not specified who the petitioner should be; county counsel and county BH should discuss and identify a process.	For referrals from LPS facilities: <ul style="list-style-type: none">Referral to be made as soon as clinically indicated as part of the individual's discharge planning <u>(W&I Code § 5978.1(b)(2))</u>.County BH must complete their assessment and file a petition within 14 business days of the

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		<p>For LPS conservatorship court referrals, the public guardian/conservators will be the petitioner.</p> <p>Comply with timing rules for responding to formal referrals (W&I Code § 5978.1).</p> <p>Considerations:</p> <ul style="list-style-type: none"> Establish a process to receive and assess informal referrals (e.g., from public guardian/conservator, first responders, non-LPS hospitals, family members) Identify a point of contact or liaison to coordinate with referral sources. 	referral (W&I Code § 5978.1(c)).
2	<p>All petitioners must include a CARE-100 form, the Petition to Commence CARE Act Proceedings. Along with the CARE-100 form, petitioners must include one of two supporting documents:</p> <p>Option one: CARE-101 form, Mental Health Declaration – CARE Act Proceedings. This form is a declaration completed by a licensed behavioral health professional.</p> <p>Option two: providing a declaration, evidence, or other documentation that demonstrates the respondent</p>	<p>All petitioners must use statewide forms created by the Judicial Council.</p> <p>Considerations:</p> <ul style="list-style-type: none"> Collaborate with courts to determine evidence that demonstrates respondent's eligibility. Provide accurate, thorough evidence or declarations from qualified professionals. Establish policies to ensure respondent rights are balanced with public safety and health needs. Train county BH staff and contracted providers on CARE Act forms and evaluating for eligibility. 	

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	has undergone at least two intensive treatments. See these how-to tutorials for more information.	<ul style="list-style-type: none"> Partner with organizations and families to educate about CARE Act petitioning process and requirements. 	
3	Initial petitioner is county BH: County BH agencies are eligible petitioners. They may file on their own accord or based on referrals from criminal courts (e.g., IST, AOT court) (W&I Code section 5878.1, Penal Code 1370), and LPS facilities (W&I Code § 5978.1), in which county BH is required to act as the petitioner.	<p>County BH completes and files CARE-100 and either a CARE-101 or a declaration.</p> <p>Considerations:</p> <ul style="list-style-type: none"> Determine if there will be an identified staff role on the county BH team who will be responsible for writing/submitting petitions. 	Not applicable
4	Initial petitioner is <u>not</u> county BH: A range of individuals can file petitions, such as family members; health care or social service providers; public guardians and conservators; hospitals; law enforcement; homeless outreach workers; or other first responders.	<p>Considerations:</p> <ul style="list-style-type: none"> Develop a process for coordinating with non-county BH petitioners, either to inform their petition or to take over as the initial petitioner based on knowledge/ history with the respondent. 	Not applicable
Engagement			
5	Prima facie determination. Court makes prima facie ("first impression")	<ul style="list-style-type: none"> Coordinate with the court to identify a process for notification to county BH for conducting 	The court shall "promptly" review the petition to

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	determination that the petition shows that the individual meets, or may meet, eligibility criteria for CARE.	the initial investigation if a Prima Facie determination is met.	determine prima facie showing (<u>W&I Code § 5977(a)</u>).
	If petitioner is county BH: <ul style="list-style-type: none"> The court will review the petition and set an initial appearance (see Item 9) and appoint legal counsel for the respondent (<u>W&I Code § 5977((a)(3)(A))</u>. Court may order county BH to complete a county supplementary report. 	<ul style="list-style-type: none"> Identify the team member(s) from county BH who will be responsible for completing a county supplementary report, if ordered by the court. 	If court orders county BH to file a supplementary report , it has to be filed within 14 court days .
6	Court orders county to investigate and file report: <ul style="list-style-type: none"> If the petition was filed by a petitioner other than county BH, the court will order county BH to investigate and submit a county investigative report to determine whether the respondent meets, or is likely to meet, the eligibility criteria (<u>W&I Code § 5977 (a)(3)(b)</u>). 	<ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. Identify a process for providing personal service to the respondent. Consult with county counsel to determine whether personal service is practical or alternative methods should be considered. County BH completes and files an investigative county investigative report that includes a determination regarding eligibility for CARE and the outcome of efforts made to voluntarily engage the respondent. Identify/develop an investigative report that includes the required content regarding 	<p>County BH shall file the investigative report as soon as practical but within 30 court days (<u>W&I Code § 5977(a)(3)(B)</u>.</p> <p>The court has the discretion to grant county BH up to an additional 30 calendar days, if the agency requests the extension to continue to work with, engage, and enroll the individual in voluntary</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		<p>eligibility and engagement. This report should include:</p> <ul style="list-style-type: none"> ○ A determination if they are likely to be eligible ○ Outcomes and recommendations for voluntary engagements. ○ Information (including protected health information [PHI]) to support the report. <ul style="list-style-type: none"> • Establish a process for submitting/filing the report to the court. <p>Considerations:</p> <ul style="list-style-type: none"> • Identify the team to outreach and engage the respondent in an effort to conduct the investigation for the report and voluntary engage in services. This may include a plan for outreach approaches and frequency of outreach. • Determine how to sequence/coordinate outreach and engagement with service of the notice and petition. • Identify who is responsible for conducting the investigation and completing the report. • Consider a supervisor review and/or a county BH counsel review of the report prior to submission. 	<p>treatment (<u>W&I Code § 5977(a)(4)</u>).</p> <p>If additional time is granted, county must give notice of the extension to respondent and petitioner using CARE-106 and provide proof of service to the court using CARE-107.</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
7	Court review of report	<ul style="list-style-type: none"> Establish a process for court communication to county BH regarding court's decision after review of the report. 	<ul style="list-style-type: none"> Court shall review and make a determination within 5 days of receipt of the report (W&I Code § 5977((a)(5))).
8	Voluntary engagement: While writing the county report, county BH will attempt to engage the respondent in voluntary services and report to the court on the outcome of those efforts.	<ul style="list-style-type: none"> County BH works to engage respondent in voluntary services. County BH reports to court the client's desire to voluntarily engage via the county report. If the court determines that voluntary engagement was successful based on the county report, the case may be dismissed. County BH will continue to provide services to client after case dismissal. <p>Considerations:</p> <ul style="list-style-type: none"> Identify what elements may be considered for a recommendation for dismissal based on voluntary engagement (e.g., specific actions and statements that reflect voluntary engagement). 	See timeline requirement in Step 5 .
Court Process & Service Connection			
9	County report supports eligibility (non-county BH petition process): If the court determines that the county report supports that the respondent	<ul style="list-style-type: none"> County BH should provide notice of the initial appearance to the petitioner, respondent, appointed counsel, and the county BH agency 	County BH must give at least five court days notice of the date, time, and location of the Initial Appearance to the

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	<p>is eligible for CARE, and efforts to engage the respondent in services were not effective, the court will set the case for an Initial Appearance on the petition.</p> <p>If it has not already happened, the court will appoint an attorney to represent the respondent throughout the proceedings, at no cost to the respondent (<u>W&I Code § 5977(a)(5)</u>).</p>	<p>where respondent resides (if different) as outlined in <u>County BH & Serving Notice</u>.</p> <p>Considerations:</p> <ul style="list-style-type: none"> Establish a dialogue and communication plan with the respondent's counsel and volunteer supporter (with respondent's consent). Plan and coordinate with respondent/respondent's counsel for personal service (as practical) ongoing. 	<p>respondent, respondent's counsel, the petitioner, and petitioner's counsel, unless county BH is the petitioner.</p> <p>If respondent does not reside in the county where the petition is filed, county BH in the respondent's county of residence and the agency's counsel must receive notice. (<u>California Rules of Court, Rule 7.2235(b)</u>).</p>
10	<p>Initial Appearance: At the Initial Appearance, if the petition was filed by someone other than county BH, the original petitioner is relieved, and the director of county BH or their designee is appointed as the substitute petitioner. If the court has not previously appointed counsel for the respondent, one will be appointed at this hearing. The</p>	<ul style="list-style-type: none"> Identify who from county BH will be present at the hearing. County BH becomes the petitioner at this hearing. Tribal representation shall be notified and are allowed to attend (with the respondent's consent), as applicable. <p>Considerations:</p> <ul style="list-style-type: none"> If the initial petition was not filed by county BH, coordinate with the court to develop a 	<p>If petitioner is county BH, the Initial Appearance is within 14 court days after Prima Facie finding (<u>W&I Code § 5977(a)(3)(A)(i)</u>).</p> <p>If petitioner is not county BH, the Initial Appearance is within 14 court days after court reviews county BH's investigative report and</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	<p>original petitioner shall be present. If the original petitioner is not present, the matter may be dismissed.</p> <p>Note: The Initial Appearance and Hearing on the Merits may be combined into one hearing.</p>	<p>process to support the efficient appointment of the county BH director as the petitioner (e.g., original petitioner provided virtual appearance).</p> <ul style="list-style-type: none"> Determine what additional documentation/preparation will need to be completed by county BH for the Initial Appearance. Identify who from county BH will be responsible for the case moving forward. If county BH is contracting with a behavioral health vendor, determine who is on point for joining future proceedings. Connect the respondent with resources and organizations that may assist in identifying a volunteer supporter. Clarify roles, responsibilities, and boundaries of members of the county BH team in this process, including the (1) petitioner, (2) treatment provider, and (3) other team roles including peer services. Plan for logistical support for respondent related to hearing(s), in coordination with respondent's counsel as appropriate. This may include transportation, clothing, pets, and belongings. Respondent's counsel may wish to 	<p>determines the report supports the Prima Facie finding that respondent is or may be eligible for the CARE process (<u>W&I Code § 5977 (a)(5)(C)(ii)</u>).</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		coordinate virtual appearance or waive appearance.	
11	<p>Hearing on the Merits: 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.</p> <p>If court determines respondent meets eligibility criteria, the court shall (1) order county BH to work with the respondent, respondent's counsel, and volunteer supporter to engage in treatment and determine if parties will be able to enter into a CARE agreement, and (2) set a Case Management Hearing.</p> <p>County BH must give at least five court days' notice of any hearing after the Initial Appearance to the respondent, the respondent's counsel, any local government entity the court has joined as a part to the proceedings, and, with the</p>	<ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. County BH may provide evaluation to contribute to eligibility determination. <p>Considerations:</p> <ul style="list-style-type: none"> Identify who from the county BH team will be responsible for attending. Identify how the county BH representative should prepare for the hearing (e.g., review report, formation of formal recommendations). 	<p>Hearing must occur within 10 calendar days from Initial Appearance (<u>W&I Code section 5977(b)(7)(A)</u>).</p> <p>The county must give at least five court days' notice of the hearing to the respondent, the respondent's counsel, any local government entity the court has joined as a party to the proceedings, and with the respondent's express consent given in writing or orally in court, the respondent's supporter.</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	respondent's express consent, the volunteer supporter.		
12	<p>Development of CARE agreement. A CARE agreement is a voluntary agreement developed by the respondent, their attorney, their volunteer supporter, and county BH. The CARE agreement sets out a range of services and supports which would benefit the respondent.</p>	<ul style="list-style-type: none"> County BH collaborates with respondent and volunteer supporter (if applicable) to determine which services and supports are to be included in the CARE agreement. <p>Considerations:</p> <ul style="list-style-type: none"> Review the <u>CARE Agreement and CARE Plan Worksheet</u> to inform the development of the CARE agreement. Consider electronic health record (EHR) integrations and aligning the data collection and reporting requirements. Plan for approach in balancing respondent preferences with treatment recommendations (if not aligned). As possible, incorporate CARE agreement development into the treatment planning process. Identify the CARE team members that will be responsible for ensuring the respondent is offered the supports identified in the CARE agreement. Discuss strategies of engaging respondent in some or all of the services even prior to court approval of the CARE agreement. 	Attempt to complete prior to Case Management Hearing.

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
13	Case Management Hearing: If a CARE agreement has been reached, the court will review and can approve the CARE agreement.	<ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. County BH to be present at the Case Management Hearing to speak to content of the CARE agreement. 	<p>Case Management Hearing must occur within 14 calendar days of Hearing on the Merits (<u>W&I Code § 5977(c)(2)</u>). Can be extended by the court to give the parties more time to come to an agreement.</p> <p>The county must give at least five court days' notice of the hearing to the respondent, the respondent's counsel, any local government entity the court has joined as a party to the proceedings, and with the respondent's express consent given in writing or orally in court, the respondent's supporter.</p>
14	Progress Review Hearing: If CARE agreement was reached, the court will set a Progress Review Hearing	<ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. Prior to the Progress Review Hearing, county BH monitors adherence to the CARE agreement and respondent's progress. 	<p>Progress Review Hearing to be set within 60 Days. Per statute, only one review hearing is required, although the court may choose to set</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	<p>to monitor the respondent's adherence to the CARE agreement.</p> <p>If court determines that reaching a CARE agreement is not likely, the court will order county BH to conduct a clinical evaluation by a licensed behavioral health professional of the respondent (unless a clinical evaluation has been conducted within the last 30 days and the parties stipulate to its use).</p>	<ul style="list-style-type: none"> County BH reports adherence/progress to court at the Review Hearing. <p>Considerations:</p> <ul style="list-style-type: none"> Identify how to measure, monitor, and document both adherence to the CARE agreement and the respondent's progress in treatment. 	<p>additional review hearings to track progress and/or amend the agreement.</p> <p>If at any time during the CARE proceedings, a party would like the court to consider amending an order or setting a hearing for a specific purpose, they may submit a CARE-120 Request for New Order and/or Hearing. For example, W&I Code section 5977.2(b) authorizes the county behavioral health agency or the respondent to request a hearing due to a change in circumstances at any time during the CARE process.</p>
15	<p>Clinical evaluation: County BH will prepare a clinical evaluation that will report to the court on:</p>	<ul style="list-style-type: none"> County BH must complete a clinical evaluation. <p>Considerations:</p>	<p>The county has to file the clinical evaluation with the court and serve a copy on respondent's counsel no later than five calendar days prior</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	<ul style="list-style-type: none"> The respondent's clinical diagnosis. Whether the respondent has the legal capacity to give informed consent regarding psychotropic medications. Any additional information and recommendations for services and supports that would assist the court in making decisions. 	<ul style="list-style-type: none"> Identify/develop the form/template to be used for the clinical evaluation. This evaluation is considered to be a more thorough assessment of the individual, not only including a review of diagnosis and other eligibility criteria, but also to include a capacity evaluation regarding medications. Ensure that a licensed behavioral health professional completes/oversees the completion of the clinical evaluation. Identify the provider to complete the capacity evaluation related to medications (recommend that this evaluation be completed by a prescriber). 	to the scheduled Clinical Evaluation Hearing. (approximately 16 days after the Case Management Hearing) (W&I Code § 5977.1(c)(1)). Respondent has a right to receive a copy of the evaluation (W&I Code § 5976(b)).
16	Clinical Evaluation Hearing: The court reviews the clinical evaluation and other evidence presented. If the court determines by clear and convincing evidence that the respondent meets eligibility criteria, the court shall order the parties to jointly develop a CARE plan.	<ul style="list-style-type: none"> County BH must give notice as outlined in County BH & Serving Notice. County BH submits the clinical evaluation and any additional reports, documents, and filings at the hearing. Considerations: <ul style="list-style-type: none"> Identify which county BH team members should be present at this hearing and if the prescriber's presence is necessary. Identify documents to submit in addition to the clinical evaluation. 	The hearing is to be held within 21 calendar days from Case Management Hearing. The hearing may be continued for up to 14 calendar days upon stipulation of respondent and county BH, unless there is good cause for a longer extension (W&I Code § 5977.1(c)(1)).

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
17	Development of CARE Plan: Like a CARE agreement, a CARE plan identifies a range of services and supports for the respondent. The respondent, their attorney, county BH, and the volunteer supporter will work to create a CARE plan. If they cannot agree on a CARE plan, county BH and the respondent may propose separate plans.	<ul style="list-style-type: none"> County BH will work with the respondent and others, as appropriate, on the CARE team to create a CARE plan with services and supports outlined in W&I Code section 5982. As applicable, consult with and incorporate the Indian health care provider or Tribal court available to the respondent to develop the CARE plan. <p>Considerations:</p> <ul style="list-style-type: none"> Review the <u>CARE Agreement and CARE Plan Worksheet</u> to inform the development of the CARE Plan. Identify county BH team member(s) to take the lead on developing the CARE plan, including the stipulated services and supports. Incorporate CARE plan development into the treatment planning process, also documenting the respondent's participation in the process and alignment/non-alignment with county BH recommendations. Continue to communicate with volunteer supporter, with respondent's permission. 	The CARE plan is due 14 calendar days after the Clinical Evaluation Hearing (W&I Code § 5977.1(c)(3)(A)).
18	CARE Plan Review Hearing: The court adopts the elements of the proposed CARE plan(s) that best support the recovery and stability of	<ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. 	The CARE Plan Review Hearing shall be held no more than 14 calendar days from the date of the court order to

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
	<p>the respondent and may issue orders necessary for the respondent to access those services.</p> <p>If the court determines that more information is needed, it may order a supplemental report.</p>	<ul style="list-style-type: none"> • County BH should be present at the review hearing and prepared to discuss recommendations. <p>Considerations:</p> <ul style="list-style-type: none"> • Determine which treatment, services, and supports to recommend to the court to be included in the CARE plan. This includes developing a plan for how county BH will support these recommendations. • Determine an approach for navigating support when the CARE plan does not align with respondent preferences. • Coordinate with respondent regarding how to best support their preferences in terms of treatment, hearing attendance options, and participation. • Coordinate with volunteer supporter as appropriate. 	<p>develop the CARE plan, unless the court finds good cause for an extension (<u>W&I Code § 5977.1(c)(6)</u>).</p> <p>If a supplemental report is ordered by the court, the court may grant a continuance of no more than 14 days, unless there is good cause for a longer extension.</p>
Service Delivery			
19	<p>Monitor progress and services:</p> <p>County BH should monitor progress and services/supports that are being provided.</p>	<ul style="list-style-type: none"> • County BH will monitor and report on respondent's progress (<u>W&I Code § 5977.2</u>), including: <ul style="list-style-type: none"> ○ The progress that the respondent has made on the CARE plan. 	<p>Status report to be filed within five days prior court hearing.</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		<ul style="list-style-type: none"> ○ Services and supports in the CARE plan that were and were not provided ○ Any issues in adhering to the CARE plan. ○ Recommended modifications for making the CARE plan more successful. ● County BH team develops status report in preparation for Status Review Hearing. 	
20	Status Review Hearings on CARE Plan: Status Review 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.	<ul style="list-style-type: none"> ● County BH must give notice as outlined in <u>County BH & Serving Notice</u>. Considerations: <ul style="list-style-type: none"> ● Identify county BH team member(s) who will prepare the report and attending the review hearing. ● Identify/develop additional forms and processes to support Review Hearings. ● Add or modify any existing processes to ensure that progress is monitored at an appropriate frequency for court alignment. ● Be prepared to present a status report and update at each hearing. 	<p>Hearings to occur no less frequently than every 60 calendar days after CARE plan ordered (<u>W&I Code § 5977.2(a)(1)</u>).</p> <p>County report to be filed with court and served on respondent, respondent's counsel and volunteer supporter within 5 court days of the hearing (<u>W&I Code § 5977.2(a)(1)</u>).</p>
Next Steps			
21	One-Year Status Review Hearing (at month 11): At this hearing, it is determined whether the respondent will graduate from CARE.	<ul style="list-style-type: none"> ● County BH will communicate with the court regarding respondent's progress in a one-year status report and issue recommendations 	<p>Must occur "in the 11th month of the process timeline" (<u>W&I Code § 5977.3(a)(1)</u>) (i.e., 11 months</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		<p>regarding graduation versus reappointment to the program.</p> <ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. <p>Considerations:</p> <ul style="list-style-type: none"> Develop objectives and evaluation criteria for recommending graduation versus reappointment to CARE. Continue to work with the respondent around identifying treatment expectations regarding ongoing treatment participation. 	<p>from adoption of CARE plan per <u>(W&I Code § 5977.3(a)(3)(A))</u>.</p> <p>One-year status report to be filed with court and served on respondent, respondent's counsel, and volunteer supporter not fewer than five court days prior to the hearing. <u>(W&I Code § 5977.3(a)(1))</u>.</p>
22	<p>Reappoint to program: At respondent's request, the court may permit the respondent's ongoing voluntary participation in the program for up to an additional year.</p> <p>Upon certain specific findings, the court may involuntarily reappoint the respondent to the program for up to one additional year.</p>	<ul style="list-style-type: none"> County BH should create a process and timeline for recommending involuntary reappointment under the following conditions: The respondent did not successfully complete the CARE process. All services and supports were provided to the respondent. The respondent would benefit from continuation. The respondent continues to meet eligibility requirements. <p>County BH should create a process and timeline for recommending voluntary reappointment under the following conditions:</p>	<p>Reappointment may occur at the One-Year Status Review Hearing (at month 11) <u>(W&I Code § 5977.3)</u>.</p>

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		<ul style="list-style-type: none"> The respondent did not successfully complete the CARE plan. The respondent would benefit from continuation of the CARE plan. <p>Considerations:</p> <ul style="list-style-type: none"> Establish a process to confirm that the respondent still meets eligibility criteria and would benefit from continued program participation. Define criteria for voluntary versus involuntary reappointment, considering respondent's engagement and capacity for voluntary participation. Identify additional supports to improve engagement and address past challenges. Establish a consistent cadence for ongoing care and be prepared to provide updates to the court with treatment planning/status updates. 	
23	Graduation Plan: If the respondent elects to graduate and the court agrees, the court will order the parties to develop a graduation plan.	<ul style="list-style-type: none"> County BH team will participate in the development of a graduation plan with the respondent and the rest of the CARE team. The graduation plan shall not place additional requirements on governmental agencies and is not enforceable by the court. 	Not applicable

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Step in Flow	Description of Step	Role of County BH Agency	Timeline Requirement
		<ul style="list-style-type: none"> With the respondent's consent, County BH will collaborate in the development of a <u>psychiatric advance directive</u> as part of the graduation plan. 	
24	Graduation Hearing: 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.	<ul style="list-style-type: none"> County BH must give notice as outlined in <u>County BH & Serving Notice</u>. <p>Considerations:</p> <ul style="list-style-type: none"> Develop guidelines to ensure follow-up care has strong continuity with the services that helped to stabilize the respondent during the CARE process. 	<p>A hearing will be held in the 12th month after the adoption of the CARE plan.</p> <p>Courts have held Graduation Hearings for those in CARE agreements prior to the 12-month timeline.</p>

GENERAL CONSIDERATIONS

Consider the following general recommendations to incorporate throughout the CARE process:

- **Communicate and collaborate with the client/respondent**, including a plan for incorporation of the **CARE agreement and CARE plan** with the client/respondent's treatment plan.
- Develop a strategy to establish and maintain a collaborative relationship with the **respondent's counsel** from the start and throughout the process, ensuring coordinated efforts in outreach and engagement.
- Communicate with the respondent about the role of the **volunteer supporter**, including:
 - Education the respondent on the role of the volunteer supporter. Consider developing partnerships with local organizations to provide volunteer supporter services and referring respondents to these organizations for support (e.g., peer organization, NAMI affiliate, etc.)
 - Determine a communication plan with the volunteer supporter related to information sharing, respondent preferences, volunteer supporter level of involvement in treatment planning, and hearings. Consider asking the respondent to sign a release of information, consistent with the respondent's wishes and preferences, for the volunteer supporter.

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- Consider ways to use the [Volunteer Supporter Toolkit & Worksheet](#) to support the respondent, including helping the respondent and volunteer supporter prepare for upcoming hearings.
 - Monitor any **conflicts of interest** that could arise with the volunteer supporter and flag for the respondent's counsel.
- Determine county BH's policies and procedures for supporting **family members** of respondents, including:
 - Policies and communication strategies for [information sharing](#).
 - If/when to connect family members to [peer and family support services](#).
 - Integrating the [Family Resource Guide](#) into your support for families.
- Identify how respondent's information will be shared across the CARE team and court with consideration of privacy laws ([W&I Code § 5977.4](#); [Senate Bill 35 Brief](#)).
- Develop processes within the county BH team to submit claims for CARE activities, including supporting documentation. Training guidance is referenced [here](#), as well as in [Behavioral Health Information Notice \(BHIN\) No: 24-015](#).
- Orient and train the county BH team to the CARE Act process. Recommend reviewing trainings and resources highlighted for those new to the CARE Act located in the CARE Act Resource Center's [library](#), which includes both [trainings](#) and [resources](#).

County BH & Serving Notice

- The respondent has the right to notice of hearings ([W&I Code § 5976\(a\)](#)). Consult with legal counsel to determine county BH's plan to **provide notice** of proceedings.
- County BH is responsible for providing **personal service** notice for court hearings and of documents such as the petition and subsequent reports ([W&I Code § 5977.4\(d\)\(1\)](#)). According to California Rules of Court , notice of CARE Act proceedings must be served personally to the respondent, or, if personal service is not practical, 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 of why personal service was impracticable and why the alternative method of service was reasonably calculated to give actual notice. Notice on respondent's counsel, petitioner, and/or another county, may be served personally, by mail, by fax or electronically. See [frequently asked questions \(FAQs\)](#) related to "personal service" on the CARE Act Resource Center.
 - Consult with your legal counsel on practical and efficient methods for providing notice. For example, the respondent may accept personal service in court for the next court date. Consider alternative methods to personal service when personal service is not practical.

CARE Process Flow for County Behavioral Health

- Develop strategies/approaches for service, including a trauma-informed approach.
- Consider that beginning in July 2025, the court will provide ongoing notice of proceedings to certain original petitioners (specifically petitioners who are immediate family members and persons with whom the respondent resides), unless the court determines that providing ongoing notice likely would be detrimental to the respondent's treatment or well-being.
- The following forms developed by the [Judicial Council](#) should be used.

Steps in Process	Notice Requirement	Form & Supporting Documents
6	<p>Before engaging respondent and preparing report, provide notice to respondent, respondent's counsel (if appointed) and petitioner that county was ordered to prepare a report.</p> <p>If court grants county additional time to engage respondent in voluntary services, within five calendar days, notice of the extended deadline must be provided to respondent, respondent's counsel and petitioner within five calendar days.</p>	<p>CARE-106 Notice of Order for CARE Act Report</p> <p>Include:</p> <ul style="list-style-type: none"> • Copy of the court issued CARE-105 Order for CARE Act report (petitioner, respondent, and respondent's counsel) • Petition Packet (respondent and respondent's counsel) • CARE-060 Information for Respondents (respondent and respondent's counsel) <p>Complete and file proof of service with the court. Optional form: CARE-107 Proof of Personal Service of Notice of Order for CARE Act Report.</p> <p>Notice of extension: CARE-106 Notice of Order for CARE Act Report and provide proof of service to court.</p>
9	<p>Must provide five court days' notice of the date, time, and location of the initial appearance to petitioner, petitioner's counsel (if there is one), respondent,</p>	<p>CARE-110 Notice of Initial Appearance—CARE Act Proceedings</p> <p>Include:</p> <ul style="list-style-type: none"> • Petition packet (respondent and their counsel) • Report (respondent and their counsel)

CARE Process Flow for County Behavioral Health

Steps in Process	Notice Requirement	Form & Supporting Documents
	respondent counsel (if appointed) and county BH agency where respondent resides (if different than county where petition is filed).	<ul style="list-style-type: none"> • <u>CARE-113</u> Notice of Respondent's Rights (respondent) • <u>CARE-060</u> Information for Respondents (respondent) <p>Complete and file proof of service with the court. Optional form: <u>CARE-111</u> Proof of Personal Service of Notice of Initial Appearance.</p>
11, 13, 14, 16, 18, 20, 21, 24	Subsequent Hearings Must provide at least five court days' notice of any hearing after the initial appearance to the respondent, the respondent's counsel, any local government entity the court has joined as a party to the proceedings, and with the respondent's express consent given in writing or orally in court, the respondent's supporter.	<u>CARE-115</u> Notice of Hearing—CARE Act Proceedings. Include: <ul style="list-style-type: none"> • All hearings - <u>CARE-113</u> Notice of Respondent's Rights (respondent) • Clinical evaluation hearing – copy of evaluation (respondent and respondent's counsel) • Status review hearing – county report (respondent and respondent's counsel) • One-year status hearing – copy of report (respondent and respondent's counsel) <p>Complete and file proof of service with the court. Optional form: <u>CARE-116</u> Proof of Personal Service of Notice of Hearing—CARE Act Proceedings.</p>