

## CARE Act

# Community Assistance, Recovery, and Empowerment Act

## Justice System Partners Roles in the CARE Act

The Community Assistance, Recovery, and Empowerment (CARE) Act established a civil court process to support eligible people with psychotic disorders who meet health and safety criteria (see [The CARE Act At a Glance](#) brief). The CARE Act is more than just a process: it is a way to connect individuals to services in their communities. Justice system partners can initiate connection to services (see [The CARE Process Flow](#)) by filing a petition or making a referral, as outlined below.

## Justice System Partners & Petitions

See the [Overview of the Role of System Partners in the Petition Process](#) video that reviews how system partners can file a petition.



### How can justice system partners connect individuals to CARE?

Justice system partners may file a petition for an individual they believe is eligible for CARE, as well as collaborate with other petitioners to complete a petition. Justice system partners may include jail behavioral health/medical staff, inpatient providers, directors/administrators of a custody setting (or their designee), or first responders, including probation and parole officers.

The CARE process may be considered for an eligible individual at any point during their justice system involvement. Opportunities to evaluate an individual and recommend CARE participation include community contact during crisis, court proceedings, custody, reentry, and post-incarceration supervision.

## Justice System Partners & Petitions

### How can other courts refer individuals to CARE court?

Under the CARE Act, courts may refer individuals from certain proceedings to CARE. Courts may refer from assisted outpatient treatment (AOT) proceedings with the county BH agency serving as petitioner. For Lanterman-Petris-Short (LPS) conservatorships, referrals are made by the court, with the conservator or proposed conservator completing and submitting the petition. The CARE Act does not provide for a direct referral from CARE Act proceedings to LPS.

Courts can also refer defendants who have been found incompetent to stand trial (IST) for misdemeanors (MIST) and felonies (FIST). For MIST cases, the CARE Act specifies that the county behavioral health (BH) agency serves as the petitioner. If the defendant is accepted into CARE, the charges will be dismissed after six months unless returned to criminal court. For FIST cases, charges are dismissed upon acceptance into CARE, and it's not specified that the county BH agency will serve as the petitioner. The county BH agency should discuss with county counsel and, in conjunction with their justice partners, develop internal workflows to manage FIST referrals and cases effectively.

For more information, see:

- [W&I Code section 5978](#)
- [Senate Bill 1323](#)
- [Penal Code section 1370.01\(b\)\(4\)\(D\)](#).

### What information should be included in a petition?

The petition should include information that helps a judge determine an individual's [eligibility for CARE](#).

Although petitioners need to attest that they believe the individual meets all of eligibility criteria, they do not need to know the exact diagnosis or have all the information to demonstrate eligibility when filing a petition. Instead, petitioners should document behaviors and interactions they observe that may inform a diagnosis and possible eligibility.

Key points to include:

- Confirmed or provisional diagnosis of an [eligible psychotic disorder](#).
- Observed symptoms and behaviors (e.g., delusions, paranoia, hallucinations, disorganized speech/behavior, blunted affect, seclusive behavior).
- Declining mental/physical state affecting basic needs.
- Challenges with self-care tasks (e.g., personal hygiene, dressing).
- Issues with housing, transportation, and finances.
- Difficulty forming and maintaining social relationships.
- Repeated refusal of treatment, interruptions in care, or ineffective treatment.

For more tips on what to include, see the [Petitioning at a Glance](#) video.

## Justice System Partners & Petitions

### What happens after the petition is filed?

The county BH agency will follow up after the initial petition to complete an assessment, establish a diagnosis, and evaluate eligibility.

After the petition is filed, the original petitioner must be present and can make a statement at the initial appearance, which is usually quite brief. Remote appearances are common. At this hearing, the county BH agency takes over from the original petitioner.

## Lessons Learned from the Field

In the [Referrals & Petitions to CARE Act from the Justice System](#) training and open-forum, justice system partners provided the following lessons, strategies, and successes that can be replicated across counties as CARE is implemented:

- Prioritize proactive outreach and establish partnerships with county BH.
- Take time to understand the legal processes, eligibility requirements, and services and supports available through CARE.
- Include all relevant information in the petition that could help a judge determine an individual's possible eligibility for CARE.
- Use a trauma-informed approach to acknowledge and respect the individual's past trauma, thus reducing re-traumatization and improving their engagement.

## Additional Resources

Information for petitioners is consolidated on the [CARE Act Resources for Petitioners](#) landing page, including resources for completing a petition, resources for specific petitioner types (including [how-to videos](#)), and CARE basics.

