

Community Assistance, Recovery, and Empowerment Act

Public Guardian and Conservator 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). Conservatorship and CARE both address severe mental health needs, but CARE offers a less restrictive, early intervention option that focuses on recovery, autonomy, and avoiding more restrictive control. The CARE Act is more than just a process: it is a way to connect individuals to services in their communities. Public guardians and conservators can initiate this connection to services (see [The CARE Process Flow](#)) by making a referral or filing a petition, as outlined below.

Public Guardians and Conservators & Petitions

How can public guardians and conservators connect individuals to CARE?

Among other eligible petitioners, public guardians and public conservators (or a designee) can [file a petition](#) for an individual they believe may be eligible for CARE, as well as collaborate with other [eligible petitioners](#) to complete a petition.

The CARE Act mandates that an individual must be considered for the CARE process before moving forward with a conservatorship, which includes temporary conservatorships and conservator reappointments (see [Senate Bill 42 Amendment](#) brief for more information). Conservatorship courts can refer individuals to CARE, with the conservator or proposed conservator serving as the original petitioner.

A public guardian or conservator of the respondent's county can file a petition in collaboration with other eligible petitioners. Communication with county agencies and services (such as behavioral health and adult protective services) is encouraged to ensure the petition reflects the individual's full mental health history and needs.

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

Public Guardians and Conservators & Petitions

How can public guardians and conservators connect individuals to CARE? (continued)

The petition helps a judge determine an individual's [eligibility for CARE](#). Petitioners do not need to know the diagnosis or prove eligibility. Instead, petitioners should document behaviors and interactions they observe that may inform a diagnosis and determination of eligibility.

What happens after the petition is filed?

The county behavioral health (BH) agency will follow up after the initial petition to complete an assessment, establish a diagnosis, and evaluate eligibility. The original petitioner should attend the initial appearance and make a statement, which is usually quite brief (less than five minutes). Remote appearances are common. At this hearing, the court will appoint the county BH agency as petitioner, replacing the original petitioner. If the original petitioner is a conservator, the conservator should remain involved within the limits of their court-appointed authority.

As the CARE court case progresses, the conservator team should assess if and when to terminate the conservatorship. The county BH agency and public guardian/conservator offices should coordinate to balance the individual's self-determination and need for support.

What if the respondent declines to participate in CARE?

With the exception of not complying with the medication plan, the court can terminate a CARE case if the respondent does not participate. The county BH agency and community support providers can continue outreach to the individual to offer treatment and other services/supports.

If Lanterman-Petris-Short (LPS conservatorship) proceedings occur within six months of termination of the CARE plan, the court will consider information regarding the respondent's non-participation. However, the termination of a CARE plan does not trigger LPS proceedings, and information about non-adherence to medications is not admissible.

The court may use existing legal authority to refer the respondent for consideration of conservatorship if necessary to ensure the respondent's safety. The respondent's non-compliance/failure to complete a CARE plan within the last six months will be considered by the court in an LPS conservatorship hearing, but this alone is not sufficient reason to refer the respondent for a conservatorship. All due process requirements apply to a referral from CARE to conservatorship court.



Lessons Learned from the Field

In the [Role of Public Guardians & Conservators in Petitioning](#) training and open forum, public guardians and conservators provided the following lessons, strategies, and successes that can be replicated across counties as CARE is implemented:

- Consider CARE as a less restrictive alternative to conservatorship in ensuring people are connected to the right services.
- Identify opportunities to consider CARE for individuals that are conserved.
- Understand the CARE process and how to use CARE as a step down from conservatorship.
- Consider how transitions into CARE will work and roles each entity will play.
- Strengthen partnerships with system partners, including providers and other eligible petitioners.

Statute Language & Citation

- Court process: [California Welfare and Institutions Code \(W&I Code\) section 5977](#)
- Eligibility: [W&I Code section 5972](#)
- Petitioning (highlights public guardian and conservator language): [W&I Code section 5974](#)

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.

