



SUPERIOR COURT OF CALIFORNIA  

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COUNTY OF TULARE

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## The CARE Act:

### Information for Petitioners and Respondents

#### Forms and information included in this packet:

#### READ

- |                 |  |
|-----------------|--|
| This packet     | Instructions and information                     |
| ● CARE-050-INFO | Information for Petitioners – About the CARE Act |
| ● CARE-060-INFO | Information for Respondents – About the CARE Act |

#### PETITIONER COMPLETES

- CARE-100 Petition to Begin CARE Act Proceedings

#### BEHAVIORAL HEALTH PROFESSIONAL COMPLETES

- CARE-101 Mental Health Declaration – CARE Act Proceedings

## The CARE Act

This is an informational guide about the CARE Act, which includes an overview of the CARE Act process and instructions for completing the *Petition to Begin CARE Act Proceedings*. Read these instructions in its entirety before you start filling out your forms.

### Completing Forms:

Fillable, printable PDF versions of the California Court forms contained in this packet are available online at <https://courts.ca.gov/rules-forms/find-your-court-forms>. You can type the forms and print them out for filing.

### Self Help Resource Center:

If you do not have an attorney representing you, free assistance is available. Please contact the Self-Help Resource Center (*SHRC*), also known as the Office of the Family Law Facilitator. The SHRC will provide instructions on how to complete the forms and how to properly serve notice on all the necessary parties. SHRC staff can answer your procedural questions and explain the court process but **CANNOT** complete your forms for you, provide legal advice, or represent you in court. The SHRC can be reached at (559) 737-5500 and [selfhelp@tulare.courts.ca.gov](mailto:selfhelp@tulare.courts.ca.gov), and offices are located at:

- County Civic Center: 221 S. Mooney Blvd., Room 203, Visalia, CA 93291
- South County Justice Center: 300 E. Olive Ave., Porterville, CA 93257

### Other Resources:

If you have further questions or concerns, you may wish to consult with an attorney or use the assistance of a paralegal or typing service. You may also conduct self-research at:

- CARE Act at California Courts' Self-Help website: <https://selfhelp.courts.ca.gov/care-act>
- CARE Act Resource Center: <https://care-act.org/>
- Tulare County Law Library: <https://tularecounty.ca.gov/lawlibrary/>
  - The Tulare County Law Library is located on the ground floor of the County Civic Center, and Law Library computer terminals are available in the Self-Help Resource Center in the South County Justice Center.
- Sacramento County Public Law Library: <https://saclaw.org/>

## What is the CARE Act?

The **C**ommunity **A**ssistance, **R**ecovery, and **E**mpowerment Act (*CARE*) Act provides community-based behavioral health services and supports to Californians living with untreated schizophrenia spectrum disorder or other psychotic disorders through a civil court process. The CARE Act is intended as an intervention for the most severely impaired Californians to prevent avoidable psychiatric hospitalizations, incarceration, and Lanterman-Petris-Short (*LPS*) Mental Health conservatorship.

The CARE Act was designed on the evidence that many people can stabilize, begin healing, and exit homelessness in less restrictive, community-based care settings. It's a long-term strategy to positively impact the individual and the community around them. The CARE Agreement or CARE Plan may consist of behavioral health services, treatment, housing resources, and other services and supports. Individuals exiting a short-term involuntary hospital hold or an arrest may be especially good candidates for CARE Act services.

## CARE Act Eligibility

To qualify for CARE Act services, the Respondent must meet each requirement listed below:

- The Respondent must be 18 years old or older.
- The Respondent must have a diagnosis identified on the ***schizophrenia spectrum disorder*** or ***other psychotic disorder***.
- The Respondent must be currently experiencing a severe mental illness that:
  - is severe in degree and persistent in duration,
  - may cause behavioral functioning that interferes substantially with activities of daily living, and
  - may result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period of time.
- The Respondent must not be clinically stabilized in on-going voluntary treatment.
- The Respondent must be either:
  - unlikely to survive safely in the community without supervision and be in a condition that is substantially deteriorating, or
  - need services and supports to prevent a relapse or deterioration that would likely result in grave disability or serious harm to the Respondent or others.
- The Respondent's participation in a CARE Agreement or CARE Plan must be the least restrictive alternative necessary to ensure the Respondent's recovery and stability.
- The Respondent is likely to benefit from participation in CARE Act services.

## Who can file the Petition?

The Petitioner is the person who asks the court to start CARE Act proceedings for a person (the Respondent) who needs help because of a serious mental disorder. The Petitioner must be 18 years old or older, and be one of the following (*persons with an asterisk (\*) may designate someone else to file a petition on their behalf*):

- A person who lives with the Respondent.
- A spouse or registered domestic partner, parent, sibling, child, or grandparent of the Respondent.
- A person who stands in the place of a parent to the Respondent (*in loco parentis*).
- The director\* of the County Behavioral Health agency.
- A licensed behavioral health professional\* who is or has been, within the past 30 days, treating or supervising the treatment of the Respondent.
- The director\* of a hospital in which the Respondent is hospitalized.
- The director\* of a public or charitable organization, agency, or home (1) who is or has been, within the past 30 days, providing behavioral health services to the Respondent; or (2) in whose institution the Respondent resides.
- The Respondent.
- A first responder—including a peace officer, firefighter, paramedic, emergency medical technician, mobile crisis response worker, or homeless outreach worker—who has had repeated interactions with the Respondent.
- The public guardian\* or public conservator\*.
- A conservator or proposed conservator referred from a proceeding under Welfare and Institutions Code section 5350.
- The director\* of the County Adult Protective Services agency.
- The director\* of a California Indian health services program or tribal behavioral health department that has, within the past 30 days, provided or is currently providing behavioral health services to the Respondent.
- A California tribal court judge\* before whom the Respondent has appeared within the past 30 days.

Referrals for CARE Act services may also be requested in the following circumstances:

- Referral pursuant to Penal Code section 1370.01 (*defendants found incompetent to stand trial; available for misdemeanor offences only*).
- Referral from Assisted Outpatient Treatment (AOT) Program.
- Referral from Conservatorship proceedings commenced under Welfare and Institutions Code section 5350 (*for persons who are gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism*).

## Rights of the Petitioner

If the Petitioner is someone who lives with the Respondent, is a spouse, parent, sibling, child, grandparent of the Respondent, or someone who acts in the place of a parent to the Respondent (*in loco parentis*), the Petitioner:

- Has a right to participate during the initial hearing to determine the merits of the petition.
- May have ongoing rights of notice assigned, based on the court's discretion and whether ongoing notice would be detrimental to the Respondent's treatment or well-being.
- May be allowed to participate and engage in the Respondent's CARE Act proceedings, if the Respondent consents.
- May fill the role of volunteer supporter, if the Respondent agrees (*see below for more information on the supporter's role*),

All other Petitioners have the right to make a statement at the hearing on merits of the Petition. More information for Petitioners is available on form **CARE-050-INFO – Information for Petitioners – About the CARE Act**, included in this packet.

## Rights of the Respondent

Respondents have a right to:

- Be informed and receive notice of each hearing.
- Be present at each hearing, unless the Respondent waives the right to be present.
- Have an attorney at all stages of the proceedings, regardless of ability to pay.
- Receive a copy of the petition and court-ordered evaluations.
- Have a supporter be present with you and assist you.
- Present evidence, call witnesses, and cross-examine witnesses.
- Appeal decisions, and to be informed of the right to appeal.
- Protection from harassing petitions.
- Keep confidential all evaluations, reports, documents, and filings submitted to the court for CARE Act proceedings.

More information for Respondents is available on form **CARE-060-INFO – Information for Respondents – About the CARE Act**, included in this packet, and on form **CARE-113 – Notice of Respondent's Rights – CARE Act Proceedings**, available on the California Courts website (*see URL on page 2*).

## Overview of the CARE Act Process

**CARE Act Petition is filed:** A CARE Act case is initiated when a person files a Petition to determine a Respondent's eligibility for CARE Act proceedings. Family members, County Behavioral Health, health care or social service providers, or first responders may file the Petition.

**Prima Facie Determination:** The court will promptly decide if the Petition shows that the Respondent meets, or may meet, CARE Act eligibility criteria (*this is called a prima facie showing*). If no *prima facie* showing has been made, the petition will be dismissed. If the Petitioner is someone other than County Behavioral Health, such as a family member, the court will order County Behavioral Health to investigate and submit a report within 14 court days, to determine whether the Respondent likely meets the eligibility criteria. County Behavioral Health will provide the Respondent with notice that a CARE Act report has been ordered, and provide notice of any CARE Act proceedings. County Behavioral Health will attempt to engage the Respondent in voluntary services, and the report will include whether the engagement was successful.

Within five days of receiving the report, the court will assess whether a *prima facie* showing has been made. If the report supports a *prima facie* showing and engagement was not effective, the court will set an *Initial Appearance Hearing*. The court will also appoint the Public Defender as an attorney for the Respondent (*at no cost*) and order the County to provide notice to the Respondent. The court will dismiss the petition if the report does not support a *prima facie* showing or if the voluntary engagement with the Respondent was effective and the Respondent has enrolled or is likely to enroll in voluntary behavioral health treatment without the need for CARE proceedings.

**Initial Appearance Hearing:** The original Petitioner must be present, or the petition may be dismissed. If the petition was filed by someone other than County Behavioral Health, the original Petitioner is substituted out, and the Director of County Behavioral Health is appointed. During this appearance, the Respondent may select a volunteer supporter or ask that one be appointed.

**Hearing on the Merits:** An evidentiary hearing where the Petitioner can prove that the Respondent meets CARE Act eligibility criteria. The *Hearing on the Merits* may be combined with the *Initial Appearance Hearing*, or will be set within 10 court days of the *Initial Appearance Hearing*. The Respondent, their attorney, their supporter, and County Behavioral Health will work together to create a voluntary CARE agreement tailored to the specific needs of the Respondent, and may include treatment for substance abuse disorders, medically-necessary stabilization medications, housing resources & supports, and other services. A *Case Management Hearing* will be set within 14 calendar days of the *Hearing on the Merits*.

**Case Management Hearing:** The court will hear evidence as to whether the parties have entered or are likely to enter into a CARE Agreement.

- If a CARE Agreement is likely, then a *Status Review Hearing* is set within 60 days.
- If a CARE Agreement is **not likely**, the court will order County Behavioral Health to conduct a clinical evaluation, and a *Clinical Evaluation Hearing* is set within 21 days.

**Clinical Evaluation Hearing:** The court will review the clinical evaluation and other evidence from County Behavioral Health and the Respondent to determine if the Respondent meets the eligibility criteria. If so, the court will order that a CARE Plan is developed. Like the CARE Agreement, the CARE Plan is tailored to meet the Respondent's needs. A *CARE Plan Review Hearing* will be set within 14 days.

**CARE Plan Review Hearing:** The parties present their plans to the court, and the court will adopt elements and issue orders that support the recovery and stability of the Respondent. These orders will constitute the CARE Plan. The court will set a *Status Review Hearing* within 60 days.

**Status Review Hearings:** Set every 60 days or less to monitor the Respondent's progress. County Behavioral Health will file status reports with the court within five days of these hearings, and will provide reports to the Respondent, their attorney, and their supporter.

**1-Year Status Hearing:** The issuance of an order approving a CARE Agreement or CARE Plan begins the CARE Act services timeline, which shall not exceed one year. During the 11<sup>th</sup> month of services, the court will determine if the Respondent is ready to graduate, or if the Respondent should continue to receive CARE Act services for an additional year. If the Respondent elects to graduate from the program, the court will order County Behavioral Health to collaborate and prepare a Graduation Plan. A *Graduation Plan Hearing* will then be set in the 12th month after the adoption of the CARE plan.

**Graduation Plan Hearing:** The Graduation Plan will be presented to the court and will include a recital of the terms on the record. The Graduation Plan may include a psychiatric advance directive that specifies treatment preferences in advance of a crisis, which shall have the force of the law. The Respondent shall be officially graduated from the CARE Act program upon completion of the hearing.

# The Volunteer Supporter

A volunteer supporter is an adult who acts honestly, diligently and in good faith to assist the Respondent during the CARE Act process while respecting the Respondents’ values, beliefs, and preferences. A volunteer supporter is someone chosen by the Respondent; however, the Respondent may choose **not** to have a supporter. A volunteer supporter can be removed by the court because of any conflict with the Respondent, including arguing, or making the Respondent feel uncomfortable or intimidated.

## A volunteer supporter...

CAN	CANNOT
<p>Participate in meetings and communication regarding the Respondent’s:</p> <ul style="list-style-type: none"> <li>• Psychiatric evaluation</li> <li>• Development of a CARE Agreement or CARE Plan</li> <li>• Completion of a psychiatric advance directive</li> <li>• Development of a graduation plan</li> </ul> <p>CARE Act proceedings</p>	<ul style="list-style-type: none"> <li>• Make decisions on behalf of the Respondent unless necessary to prevent imminent harm**</li> <li>• Sign documents on behalf of the Respondent</li> <li>• Waive confidentiality</li> </ul> <p>Be subpoenaed to testify against the Respondent in a CARE Act proceeding</p> <p><i>** Imminent harm refers to suicidal or homicidal actions. For example: if someone has made a threat to hurt someone or themselves, or they are wielding a gun or knife.</i></p>

A volunteer supporter’s “participation” can vary depending on the situation and the relationships with the Respondent. It could look like rephrasing questions for the Respondent, making sure the Respondent’s decisions are being respected, or recalling wishes or questions the Respondent has had. A supporter’s participation in meetings, etc. is at Respondent’s request and discretion. The supporter has no rights other than those consented to by the Respondent.

## Key Principles of Supporter Role

- Supported decision-making: The supporter’s role is to represent the will and preferences of the Respondent, regardless of whether that matches what the supporter prefers. This means the supporter must avoid any personal bias and not pressure the Respondent in any way. The supporter never makes decisions for the Respondent – the Respondent must make the final decision.
- Trauma-informed care: Many Respondents have experienced trauma, impacting their mental and physical health. Trauma-informed care means operating in a respectful, consistent, and reliable manner. Maintaining trust with the supporter may increase engagement in supportive services.
- Confidentiality: The CARE Act protects the confidential relationship between the Respondent and their supporter. Supporters must respect the Respondent’s privacy and should not discuss the Respondent’s CARE Act process with anyone without expressed written release. Supporters cannot be asked to appear in court or be called to testify against the Respondent in any proceeding related to the CARE Act.

# Completing the CARE Act Petition

Instructions for completing the **CARE-100 - Petition to Begin CARE Act Proceedings** are provided below. In addition, explanations and examples of each eligibility requirement are provided on form **CARE-050-INFO – Information for Petitioners - About the CARE Act**.

## **CARE-100 - Petition to Begin CARE Act Proceedings:**

**Top of page 1:** Add your name, address, and phone number. Add the court address. The addresses for the Visalia and Porterville courthouses are:

- County Civic Center: 221 S. Mooney Blvd., Visalia, CA 93291
- South County Justice Center: 300 E. Olive Ave., Porterville, CA 93257

**Caption:** After “CARE ACT PROCEEDINGS FOR (*name*):”, add the name of the Respondent.

**Item 1, Name and Age:** Add your name as the Petitioner and add the name of the person you want services for (the Respondent). Add the Respondent’s date of birth or their approximate age.

**Item 2, Petitioner Type:** Check all boxes that apply to you as the Petitioner. For example, if you are the parent of the Respondent and live with them, mark boxes (a) and (b).

**Item 3, Interaction with Respondent:** Provide details on your interactions and relationship with the Respondent: How you know the Respondent, how often you see them, when you last saw them, and what happened when you interacted with them.

**Item 4, Contact Information:** Add the address where the Respondent lives or was last found. This could be a hotel, park, or a location that the Respondent frequents. Provide contact information if known, and what you believe is the best way to contact the Respondent. Indicate whether the Respondent needs any language assistance and their preferred language.

**Item 5, Residency and Court Cases:** Check all that apply regarding the Respondent’s residency, location, and pending court cases.

**Item 6, Supporting Evidence:** You must include evidence supporting the Petition. Mark either:

- (a) if you are attaching form **CARE-101 – Mental Health Declaration – CARE Act Proceedings**, which is completed by a behavioral health professional, or
- (b) if you are making a statement and/or submitting documents that the Respondent was detained for at least *two periods of involuntary treatment*, with the most recent period within the past 60 days.

**Note:** For purposes of the CARE Act, "*involuntary treatment*" refers only to a 14-day hold authorized by Welfare and Institutions Code section 5250. It does not refer to treatment authorized by other statutes such as Welfare and Institutions Code sections 5150, 5260, and 5270.15, and 5270.70.

- Mark (b)(1) if making a statement, and use this space to describe the Respondent's involuntary treatment which you personally know about.
- Mark (b)(2) if attaching documents. The documents can be certifications of involuntary treatment, a declaration from witnesses to the involuntary treatment, or other records pertaining to the involuntary treatment. Label the attachments as Attachment 6b1, Attachment 6b2, etc.

**Item 7, Eligibility:**

- Mark the box if you are attaching the **CARE-101 – Mental Health Declaration – CARE Act Proceedings**. If so, you may leave the rest of Item 7 blank, and move to Item 8.
- If you are not attaching the **CARE-101** form, provide facts and information at items (a) through (f), regarding the Respondent's diagnosis, mental health condition, treatment, the support services they need, and how participation in a CARE plan or CARE agreement would be the least restrictive means to ensure the Respondent's recovery and stability.

**Item 8, Other Information:** Mark any statements that are true, and provide details.

**Item 9, Court Referral:** Complete Item 9 only if you are filing the petition in response to a referral from another court proceeding. If so, provide details about the other court proceeding.

**Item 10, Attachments:** Indicate the number of pages that are attached to the petition.

**Bottom of Page 5:** The Petitioner will enter the date, print their name, and sign.

**CARE-101 – Mental Health Declaration – CARE Act Proceedings:**

This form is to be completed by a behavioral health professional who has examined the Respondent and can describe their eligibility for CARE Act services. Attach this to the petition.

## File the Petition

There is **no cost** to file the CARE Act petition. The petition can be filed where the Respondent lives, may be found, or where the Respondent has another court proceeding. If these locations are in different counties, consider where the Respondent is most likely to have access to services and a support system. If filing in Tulare County: Bring your completed forms to the Visalia Courthouse, Clerk of the Court, located at 221 S. Mooney Blvd, Room 201, Visalia, CA 93291, or the South County Justice Center filing windows, located at 300 E. Olive Ave, Porterville, CA 93257.

The Court Clerk will file the forms and send them to the judge for review. After filing, you do not need to serve the petition on the Respondent or any other person. County Behavioral Health will notify the Petitioner and Respondent if the court ordered a report, and will provide notice of the *Initial Appearance Hearing*, if one is set.

## Common CARE Act Questions

### **What if the Respondent does not meet CARE Act eligibility? What other options or resources are available?**

- Services such as full-service partnerships, assertive community treatment, and supportive housing may still be available through the County or a community-based service provider. Other court-ordered services, such as Assisted Outpatient Treatment (AOT) or services under the Lanterman-Petris-Short Act (LPS), may be appropriate.
- Contact the Family Advocate from Tulare County Behavioral Health for more information. The Family Advocate is a licensed clinician who assists relatives and support persons of those struggling with mental health problems in understanding mental health services. The Family Advocate also provides guidance and linkage to community and educational resources. The Family Advocate's contact information, plus a list of other resources and service providers in Tulare County are provided on page 13.

### **I'm a family member of the Respondent, but I don't have access to the Respondent's personal health information. Can I still file the CARE Act petition?**

- Yes, family members can still file the petition. You will need to provide as much detailed information about the Respondent in the narrative portions of the petition.
- In some cases, County Behavioral Health can file on the family's behalf since they may have access to the protected health information needed to file the petition. Contact Tulare County Behavioral Health for more information.

### **The Respondent has major depressive disorder or bi-polar disorder. Do they qualify for CARE Act services?**

- Maybe. Persons with certain mental health disorders such as major depressive disorder or bi-polar disorder are **NOT** eligible for CARE Act services unless they also have a schizophrenia-related diagnosis or other psychotic disorder.

### **What is the difference between a CARE Agreement and CARE Plan?**

- A CARE Agreement is a voluntary agreement for services and treatment between the Respondent and County Behavioral Health, approved by the court.
- A CARE Plan is a set of community-based services and supports for the Respondent that is ordered by the court if the Respondent and County Behavioral Health cannot reach a CARE Agreement.

### **What if the Respondent does not complete their CARE Agreement or CARE Plan?**

- The goal is that the CARE Act services will stabilize someone with severe mental illness. However, Respondents who do not successfully complete their CARE Agreement or CARE Plan may be hospitalized or referred to conservatorship - with a new presumption that no suitable less restrictive alternatives to conservatorship are available.

**The Respondent has pending criminal charges. What happens to these charges if the Respondent graduates from CARE Act proceedings?**

- If the Respondent graduates from CARE Act services, the judge presiding over the Respondent's criminal matter may dismiss the criminal charges.
- Speak to the Public Defender or the attorney representing the Respondent in the criminal matter for more information.

**Where will the CARE Act proceedings take place?**

- All CARE Act proceedings will be heard in Department 7 on the 3<sup>rd</sup> floor of the Visalia Courthouse, located at 221 S. Mooney Blvd., Visalia, CA 93291.
- If you cannot appear in person, you may appear remotely. To request a remote hearing, go to: <https://www.tulare.courts.ca.gov/online-services/request-remote-hearings>

**As part of the Respondent's CARE Agreement or CARE Plan, the Respondent was provided with housing assistance. Will the Respondent continue to receive housing assistance after they graduate?**

- Housing support may continue after graduation. Speak with County Behavioral Health about the support services that will be offered to the Respondent and integrated into the Graduation Plan.

**I'm the Respondent and my circumstances have changed. How can I change orders related to my CARE Act services?**

- Complete and file form **CARE-120 – Request for New Order and Hearing - CARE Act Proceedings**, available on the California Courts website (see URL on page 2). You can explain how your circumstances have changed and whether you want a hearing for the court to consider your request.

# Community Resources and Service Providers

## **Tulare County Behavioral Health**

- <https://tchhsa.org/eng/behavioral-health/>
- Behavioral Health Administration: (559) 624-7445
- **24-Hour Crisis and Access Lines:**
  - Mental Health Services Access and Crisis Line: (800) 320-1616
  - Substance Use Disorder Access Line: (866) 732-4114
  - National Suicide Prevention Lifeline: 988
- **Family Advocate:** (559) 624-7449
  - The Family Advocate is a licensed clinician who assists relatives and support persons of those struggling with mental health problems in understanding mental health services. The Family Advocate also provides guidance and linkage to community and educational resources.
- **Visalia Adult Integrated Clinic:** (559) 623-0900  
520 E. Tulare Ave.  
Visalia, CA 93277.
- **Porterville Adult Mental Health Clinic:** (559) 788-1200  
1055 W. Henderson Ave., Suite #2  
Porterville, CA 93257

## **Community Mental Health Services**

- **NAMI Tulare County**
  - <https://namitularecounty.org/>
  - (559) 732-6264
- **Turning Point of Central California**
  - <https://www.tpocc.org/>
  - North County One-Stop: (559) 627-2046  
201 N. Court St.  
Visalia, CA 93291
  - Central County One-Stop: (559) 687-8713  
145 N. N St., Suite A  
Tulare, CA 93274
  - North Tulare County Mobile Services: (559) 627-2046  
201 N. Court St.  
Visalia, CA 93291
- **Kings View**
  - <https://www.kingsview.org/>
  - Visalia Wellness Center: (559) 256-1183  
1223 S. Lovers Ln  
Visalia, CA 93292
  - Porterville Wellness Center: (559) 931-1001  
333 W. Henderson Ave.  
Porterville, CA 93257
  - South Tulare County Mobile Services: (559) 687-0929, or 24/7 at (800) 315-4156  
201 N. K Street  
Tulare, CA 93274

## **Visalia Recovery Center**

- Providing care and support for substance use disorders
- <https://visaliarecoverycenter.com/>
- (559) 702-5180
- 4040 S. Demaree St., Suite A  
Visalia, CA 93277

## **Tulare County Public Defender**

- <https://tularecountypublicdefender.com/>
- Visalia Office: (559) 636-4500  
221 S. Mooney Blvd., Room G35  
Visalia, CA 93291
- Porterville Office: (559) 782-6960  
20 N. Main St., 2nd Floor  
Porterville, CA 93257