

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 12/13/2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Circulate for comment (out of cycle)**

**Title of proposal:** Jury Instructions: Public Access and Publication

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*  
Cal. Rules of Court, rule 2.1050

*Committee or other entity submitting the proposal:*  
Rules Committee

*Staff contact (name, phone and e-mail):* Eric Long, 415-865-7691 [eric.long@jud.ca.gov](mailto:eric.long@jud.ca.gov); Anne Ronan, 415-865-8933 [anne.ronan@jud.ca.gov](mailto:anne.ronan@jud.ca.gov);

*Identify project(s) on the committee's annual agenda that is the basis for this item:*  
Annual agenda approved by Rules Committee on (date): N/A  
Project description from annual agenda: N/A

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

This proposal is based on a change in law already in effect, which will not directly impact courts but may impact litigants. For that reason, the recommendation is to circulate for public comment in the winter cycle with the proposal going to the Judicial Council meeting in March 2023, and an early implementation date following that.

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT W23-11

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<b>Title</b> Jury Instructions: Public Access and Publication	<b>Action Requested</b> Review and submit comments by January 20, 2023
<b>Proposed Rules, Forms, Standards, or Statutes</b> Revise Cal. Rules of Court, rule 2.1050	<b>Proposed Effective Date</b> April 1, 2023
<b>Proposed by</b> Rules Committee Hon. Carin T. Fujisaki, Chair	<b>Contact</b> Eric Long, 415-865-7691 <a href="mailto:eric.long@jud.ca.gov">eric.long@jud.ca.gov</a> Anne Ronan, 415-865-8933 <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

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### Executive Summary and Origin

The Rules Committee recommends revising California Rules of Court, rule 2.1050, to express the council's continued interest in both free public access to the *Judicial Council of California Civil Jury Instructions (CACI)* and the *Judicial Council of California Criminal Jury Instructions (CALCRIM)* and having publishers accurately publish the instructions, properly attribute the council as the source of the instructions, and not claim copyright in them. This proposal originated with a suggestion from a nonprofit organization following a change in copyright law that impacts government bodies.

### Background

In 2005, the council amended former rule 855, now renumbered as rule 2.1050, on the recommendation of the Task Force on Civil Jury Instructions, to ensure that publication of the instructions by commercial publishers did not occur without the council's permission, including ensuring that commercial publishers publish the instructions accurately, credit the council as the source of the instructions, and do not claim copyright of the instructions. The council at the same time reaffirmed that it intended its jury instructions be freely available for use and reproduction by parties, attorneys, and the public, except as otherwise limited by the rule.<sup>1</sup>

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<sup>1</sup> The council has always made its jury instructions freely available to the public on the California Courts website. See [www.courts.ca.gov/partners/juryinstructions.htm](http://www.courts.ca.gov/partners/juryinstructions.htm).

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

Around the time of that rule amendment, the council began registering a copyright with the United States Copyright Office for *CACI* and *CALCRIM*. Beginning with jury instructions that became effective in January 2006, the council expressly asserted copyright over and regularly registered with the United States Copyright Office the amended editions and annual supplements of *CACI* and *CALCRIM*. The publications, including the versions published on the court’s website, contained copyright registration notices—for example, “© 2006.”<sup>2</sup> Similarly, public-facing draft instructions in Judicial Council reports and Invitations to Comment contained a footer that read, “Copyright Judicial Council of California” or some variation of that statement.<sup>3</sup>

Following the United States Supreme Court’s decision in *Georgia v. Public.Resource.Org, Inc. (Georgia)*,<sup>4</sup> Public.Resource.Org, Inc. (Public.Resource) asked the council to amend rule 2.1050, and to make corresponding changes to its jury instructions publications and associated California Courts web pages to clarify that the jury instructions are in the public domain and that the council does not assert copyright in those materials. Public.Resource requested these changes because it concluded that the jury instructions are not eligible for copyright protection under *Georgia*.<sup>5</sup>

In June 2021, relying on the *Georgia* decision, the Copyright Office declined to register the May 2019 Supplement to *CACI*.

In September 2022, the Rules Committee reported to the council that it would be working on this proposal to amend rule 2.1050. At that meeting, the council approved an update to *CALCRIM*, in which the jury instructions included with the council report did not contain representations concerning copyright. While reserving all intellectual property and proprietary rights under state and federal law, the council will cease registering a copyright in *CACI* and *CALCRIM*.

## The Proposal

The Rules Committee recommends amending rule 2.1050, concerning public access, publication, and revision of the official jury instructions recommended for use in the state.

In subdivision (c), the proposal recommits to free public access for the jury instructions, including the council’s continued provision of copies and updates of the approved jury instructions on the court’s public website. Any implicit references to copyright, including

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<sup>2</sup> See, e.g., 2021 edition of *CACI*, at p. 2, [www.courts.ca.gov/partners/documents/Judicial\\_Council\\_of\\_California\\_Civil\\_Jury\\_Instructions\\_2020.pdf](http://www.courts.ca.gov/partners/documents/Judicial_Council_of_California_Civil_Jury_Instructions_2020.pdf).

<sup>3</sup> See, e.g., Invitation to Comment, CALCRIM-2022-01, at pp. 4–135, [www.courts.ca.gov/documents/calcrim22-01.pdf](http://www.courts.ca.gov/documents/calcrim22-01.pdf).

<sup>4</sup> (2020) \_\_ U.S. \_\_ [140 S.Ct. 1498, 206 L.Ed.2d 732].

<sup>5</sup> The Court in *Georgia* held that, under the government edicts doctrine, annotations beneath the statutory provisions in the *Official Code of Georgia Annotated* are ineligible for copyright protection. (*Georgia, supra*, 140 S.Ct. at pp. 1503–1504.) Under the government edicts doctrine, “copyright does not vest in works that are (1) created by judges and legislators (2) in the course of their judicial and legislative duties.” (*Id.* at p. 1508.)

“permission to publish” and “royalties,” would be deleted, and the substance concerning publication of the instructions would be relocated to a new subdivision.

In new subdivision (d), entitled Publication, the proposal expresses the council’s intent to enter into agreements to publish with an official publisher and other publishers. Subdivision (d) would maintain much of the substance of the current rule as it relates to protecting the integrity of the council’s jury instructions. The council has an ongoing interest in publishers accurately publishing the Judicial Council’s instructions, accurately crediting the Judicial Council as the source of the instructions, and publishers not falsely claiming copyright in *CACI* and *CALCRIM*.

Subdivision (e) would be clarified to reflect existing practice relating to consideration of suggestions for changes to the jury instructions. Law students, self-represented litigants, appellate justices, business entities, and nonprofits—to name just a few—submit proposals on jury instructions, and any proposal submitted is considered by the appropriate advisory committee on jury instructions. The current provision provides that trial judges and attorneys may submit proposals to the Legal Services office of the Judicial Council. The advisory committees, however, consider submissions on jury instruction content from anyone with a comment relevant to the jury instructions, not just trial judges and attorneys.

### **Alternatives Considered**

The Rules Committee considered the changes to rule 2.1050 suggested by the nonprofit organization Public.Resource to declare the jury instructions “in the public domain” and that the council does not claim copyright in them. The committee decided it was not necessary to make those declarations. As described above, rule 2.1050(c) already states that the Judicial Council intends that the instructions be freely available for use and reproduction. The language related to royalties and permission to publish is proposed for deletion. In addition, the committee concluded that it is preferable to retain the language relating to accuracy and attribution. Even without copyright protections, the council has a significant interest in protecting the integrity of its jury instructions.

### **Fiscal and Operational Impacts**

Operational impacts to the council from this rule amendment are expected to be minimal. Any fiscal impacts would not be from the proposed amendment but from no longer asserting copyright in the instructions, and even those are uncertain. Publishers who contract with the Judicial Council to publish jury instructions pay fees to the council. By statute, monies received from jury instruction publishers must be used “for the improvement of the jury system.”<sup>6</sup> The committee believes the council’s jury instructions have significant value, even without copyright protections. It is possible, however, that revenues will decrease over time as more copies of the jury instructions become available.

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<sup>6</sup> Gov. Code, § 77209(h).

## **Attachments and Links**

1. Cal. Rules of Court, rule 2.1050, at pages 5–6

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Rule 2.1050 of the California Rules of Court would be amended, effective April 1, 2023, to read:

1 **Rule 2.1050. Judicial Council jury instructions**

2  
3 ~~(a)–(b)~~ \* \* \*

4  
5 **(c) Public access**

6  
7 The Judicial Council must provide copies and updates of the approved jury  
8 instructions to the public on the California Courts website. ~~The Judicial Council~~  
9 ~~may contract with an official publisher to publish the instructions in both paper and~~  
10 ~~electronic formats.~~ The Judicial Council intends that the instructions be freely  
11 available for use and reproduction by parties, attorneys, and the public, except as  
12 limited by this subdivision. The Judicial Council may take steps necessary to  
13 ensure that publication of the instructions by commercial publishers does not occur  
14 without its permission, including, without limitation, ensuring that commercial  
15 publishers accurately publish the Judicial Council’s instructions, accurately credit  
16 the Judicial Council as the source of the instructions, and do not claim copyright of  
17 the instructions. The Judicial Council may require commercial publishers to pay  
18 fees or royalties in exchange for permission to publish the instructions. As used in  
19 this rule, “commercial publishers” means entities that publish works for sale,  
20 whether for profit or otherwise.

21  
22 **(d) Publication**

23  
24 The Judicial Council may contract with an official publisher and other publishers to  
25 publish the instructions in both paper and electronic formats. The Judicial Council  
26 may take appropriate actions to maintain the integrity of the jury instructions,  
27 including, without limitation, ensuring that publishers accurately publish the  
28 Judicial Council’s instructions, accurately credit the Judicial Council as the source  
29 of the instructions, and do not claim copyright in the instructions.

30  
31 **~~(d)~~ (e) Updating and amendments revisions**

32  
33 The Judicial Council instructions will be regularly updated and maintained through  
34 its advisory committees on jury instructions. ~~Amendments~~ Revisions to these  
35 instructions will be circulated for public comment before publication. ~~Trial judges~~  
36 ~~and attorneys~~ Suggestions for revising an instruction or creating new instructions  
37 may submit be submitted in writing for the advisory committees’ consideration  
38 suggestions for improving or modifying these instructions or creating new  
39 instructions, with an explanation of why the change is proposed. ~~Suggestions~~  
40 ~~should be sent~~ to the Judicial Council of California, Legal Services.

Rule 2.1050 of the California Rules of Court would be amended, effective April 1, 2023, to read:

1 **(e) (f) Use of instructions**

2  
3 Use of the Judicial Council instructions is strongly encouraged. If the latest edition  
4 of the jury instructions approved by the Judicial Council contains an instruction  
5 applicable to a case and the trial judge determines that the jury should be instructed  
6 on the subject, it is recommended that the judge use the Judicial Council instruction  
7 unless ~~he or she~~ the judge finds that a different instruction would more accurately  
8 state the law and be understood by jurors. Whenever the latest edition of the  
9 Judicial Council jury instructions does not contain an instruction on a subject on  
10 which the trial judge determines that the jury should be instructed, or when a  
11 Judicial Council instruction cannot be modified to submit the issue properly, the  
12 instruction given on that subject should be accurate, brief, understandable,  
13 impartial, and free from argument.

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1 **Clean Version of Rule 2.1050, as proposed for revision in the Invitation to Comment**

2  
3 **Rule 2.1050. Judicial Council jury instructions**

4  
5 **(a) Purpose**

6  
7 The California jury instructions approved by the Judicial Council are the official  
8 instructions for use in the state of California. The goal of these instructions is to  
9 improve the quality of jury decision making by providing standardized instructions  
10 that accurately state the law in a way that is understandable to the average juror.  
11

12 **(b) Accuracy**

13  
14 The Judicial Council endorses these instructions for use and makes every effort to  
15 ensure that they accurately state existing law. The articulation and interpretation of  
16 California law, however, remains within the purview of the Legislature and the  
17 courts of review.  
18

19 **(c) Public access**

20  
21 The Judicial Council must provide copies and updates of the approved jury  
22 instructions to the public on the California Courts website. The Judicial Council  
23 intends that the instructions be freely available for use and reproduction.  
24

25 **(d) Publication**

26  
27 The Judicial Council may contract with an official publisher and other publishers to  
28 publish the instructions in both paper and electronic formats. The Judicial Council  
29 may take appropriate actions to maintain the integrity of the jury instructions,  
30 including, without limitation, ensuring that publishers accurately publish the  
31 Judicial Council's instructions, accurately credit the Judicial Council as the source  
32 of the instructions, and do not claim copyright in the instructions.  
33

34 **(e) Updating and revisions**

35  
36 The Judicial Council instructions will be regularly updated and maintained through  
37 its advisory committees on jury instructions. Revisions to these instructions will be  
38 circulated for public comment before publication. Suggestions for revising an  
39 instruction or creating new instructions may be submitted in writing, with an  
40 explanation of why the change is proposed, to the Judicial Council of California,  
41 Legal Services.  
42



1 **(f) Use of instructions**

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3 Use of the Judicial Council instructions is strongly encouraged. If the latest edition  
4 of the jury instructions approved by the Judicial Council contains an instruction  
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10 trial judge determines that the jury should be instructed, or when a Judicial Council  
11 instruction cannot be modified to submit the issue properly, the instruction given on  
12 that subject should be accurate, brief, understandable, impartial, and free from  
13 argument.

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## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** December 8, 2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Circulate for comment (September 1 cycle)**

**Title of proposal:** Rules and Forms: CARE Act

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*

Adopt Cal. Rules of Court, rules 7.2201, 7.2205, 7.2210, 7.2221, 7.2223, 7.2225, 7.2230, 7.2235, 7.2240, 7.2301, and 7.2303;

Adopt Forms CARE-060-INFO, CARE-100, CARE-101, CARE-105, CARE-106, CARE-110, CARE-112, and CARE-115, and approve forms CARE-050-INFO, CARE-111, and CARE-120.

*Committee or other entity submitting the proposal:*

Probate and Mental Health Advisory Committee

*Staff contact (name, phone and e-mail):* Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): November 1, 2022

Project description from annual agenda: Develop and recommend rules of court and Judicial Council forms to implement the Community Assistance, Recovery, and Empowerment (CARE) Act (SB 1338; Stats. 2022, ch. 319). The committee will develop and recommend adoption of a mandatory form for use to file a CARE process petition, as required by Welfare and Institutions Code section 5975. The committee will develop and recommend adoption of rules of court to "implement the policies and provisions" in sections 5977–5977.4 "to promote statewide consistency," including, but not limited to, what "is included in the petition form packet"; the "clerk's review of the petition"; and the "process by which counsel will be appointed," as required by Welfare and Institutions Code section 5977.4(c). The committee will consider developing additional forms to the extent they would be useful to courts and self-represented petitioners in the CARE process.

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

The CARE Act requires the cohort 1 counties to begin implementation by October 1, 2023.

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

The CARE Act itself poses significant fiscal and operational challenges for the trial courts, which need to create a new proceeding from the ground up. Limited funding to prepare for the operation of the act in the first cohort of seven courts on October 1, 2023, is included in this year's trial court budget. New ongoing funding for court operations and compensation of appointed counsel in proceedings under the act is expected to be included in the Fiscal Year 2023–2024 budget and available to the trial courts before October 1, 2023, when the first cohort of seven counties must have CARE programs in operation.

On the other hand, the proposed rules and forms should not have a significant fiscal or operational impact on the courts. They are intended, in part, to mitigate the operational impact of implementing the CARE Act by providing procedural guidance and standard mechanisms for commencing a proceeding under the act, giving notice of hearings and other proceedings under the act, and providing information to the parties. The proposal also leaves trial courts with flexibility to fine tune their CARE Act processes by developing and adopting local rules.

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that

mandates translation: [Click or tap here to enter text.](#)

includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)
  - The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).
- **Self-Help Website** (check if applicable)
  - This proposal may require changes or additions to self-help web content.

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## INVITATION TO COMMENT W23-10

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**Title**

Rules and Forms: Community Assistance,  
Recovery, and Empowerment Act

**Action Requested**

Review and submit comments by January 27,  
2023

**Proposed Rules, Forms, Standards, or Statutes**

Adopt Cal. Rules of Court, rules 7.2201,  
7.2205, 7.2210, 7.2221, 7.2223, 7.2225,  
7.2230, 7.2235, 7.2240, 7.2301, and 7.2303;  
adopt forms CARE-060-INFO, CARE-100,  
CARE-101, CARE-105, CARE-106,  
CARE-110, CARE-112, and CARE-115; and  
approve forms CARE-050-INFO,  
CARE-111, and CARE-120

**Proposed Effective Date**

September 1, 2023

**Contact**

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Theresa Chiong, 415-865-7985  
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**Proposed by**

Probate and Mental Health Advisory  
Committee  
Hon. Jayne Chong-Soon Lee, Chair

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### Executive Summary and Origin

The Probate and Mental Health Advisory Committee proposes eleven rules of court and eleven forms to implement requirements in the Community Assistance, Recovery, and Empowerment (CARE) Act. The CARE Act establishes a new, noncriminal proceeding that authorizes a court—in response to a petition and after determining by clear and convincing evidence that the subject of the petition meets the necessary statutory criteria—to order the county behavioral health agency to work with the subject to engage in treatment and determine whether a CARE agreement can be reached or, if those efforts are unsuccessful, to develop a CARE plan. Once the court has approved a CARE agreement or ordered a CARE plan, the court must hold regular hearings to review the progress of the subject and the county behavioral agency with the services ordered in the agreement or plan. The act requires the Judicial Council to develop a mandatory petition form, any other forms necessary for the court process, and rules of court to implement the act’s procedural provisions.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

## Background

The CARE Act takes effect on January 1, 2023.<sup>1</sup> The act requires implementation by counties in two cohorts. The first cohort of 7 counties and their superior courts must begin implementation by October 1, 2023.<sup>2</sup> The second cohort, comprising the remaining 51 counties in California, must begin implementation by December 1, 2024.<sup>3</sup>

The CARE Act is intended to provide “a path to care and wellness” for Californians living with untreated schizophrenia spectrum and other psychotic disorders, which lead to risks to their health and safety and increased homelessness, incarceration, hospitalization, conservatorship, and premature death.<sup>4</sup> To achieve this end, the act authorizes specified adults to petition a superior court for a determination that the person subject to the petition (the respondent) is eligible to participate in the CARE process and, if so, to begin the CARE Act process for the respondent. (§§ 5972, 5975, 5977.)

If, following a hearing on the merits of the petition, the court finds, by clear and convincing evidence, that the respondent meets the statutory criteria for eligibility to participate in the CARE process, the court must order the county behavioral health agency to work with the respondent, respondent’s counsel, and a supporter, if any, to engage the respondent in treatment and determine whether a CARE agreement for community-based services and support can be reached. (§ 5977(c)(2).) If the county and the respondent reach a CARE agreement, the court must either approve the agreement or modify the agreement and approve it as modified. (§ 5977.1(a)(2).) If the parties cannot reach an agreement and are not likely to, the court must order a clinical evaluation of the respondent. (§ 5977.1(b).) At the clinical evaluation review hearing, the court must again determine whether, by clear and convincing evidence, the respondent meets the criteria for participation in the CARE process. (§ 5977.1(c)(2).) If the court finds that the respondent does meet those criteria, it must order the county behavioral health agency and the respondent, respondent’s counsel, and respondent’s supporter to jointly develop a CARE plan. (§ 5977.1(c)(3).)

The statute limits the services that may be included in a CARE agreement or plan to behavioral health services, medically necessary stabilization medications, housing resources, social services funded through Supplemental Security Income/State Supplementary Payment (SSI/SSP) and state-funded programs such as CalFresh, and services provided through county general assistance programs, including health care (§ 5982(a)). The respondent or the county behavioral health agency, or both, may present a proposed CARE plan and the court must adopt the elements of

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<sup>1</sup> The CARE Act was enacted as section 7 of Senate Bill 1338 (Stats. 2022, ch. 319) and is codified at Welfare and Institutions Code sections 5970–5987. All further unspecified statutory references are to the Welfare and Institutions Code.

<sup>2</sup> § 5970.5(a). The counties in the first cohort are Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne.

<sup>3</sup> § 5970.5(b).

<sup>4</sup> Sen. Bill 1338, § 1(a).

either or both plans that support the respondent’s recovery and stability. (§ 5977.1(d)(1) & (2).) The court may also issue any orders necessary to support the respondent to access appropriate services and supports. (§ 5977.1(d)(2).) If the proposed CARE plan includes services and supports, such as housing, provided indirectly or directly through another local government entity, the court may consider a motion to add the local entity as a party to the CARE proceeding. (§ 5977.1(d)(4).) An approved CARE plan is valid for no more than one year. (§ 5977.1(e).)

Once the court has approved a CARE agreement or ordered a CARE plan, the court is required to hold regular status review hearings to review the progress of the respondent and the county behavioral health agency with the plan. (§ 5977.2.) At the one-year status hearing, the court will determine whether to graduate the respondent from the program, permit the respondent’s voluntary participation for up to an additional year, or order the respondent involuntarily reappointed to the program. (§ 5977.3.)

## **The Proposal**

The CARE Act requires the Judicial Council to adopt rules and forms to implement its provisions. Specifically, section 5975 requires the council to adopt a petition form that includes specific information, as well as any other forms “necessary for the CARE process.” In addition, the council is required to “adopt rules to implement the policies and provisions” of sections 5977–5977.4 “to promote statewide consistency.” (§ 5977.4(c).) The rules must include but are not limited to “what is included in the petition form packet, the clerk’s review of the petition, and the process by which counsel will be appointed.” (*Id.*) In addition, the committee recommends that the council exercise its constitutional authority to adopt rules of judicial administration, practice, and procedure to supply procedures for implementing other provisions of the act.

### ***Proposed Rules***

The California Rules of Court currently include no title devoted to rules for mental health proceedings. These proceedings, such as mental health conservatorships under the Lanterman-Petris-Short Act (§§ 5350–5372), are typically governed by detailed statutory provisions that leave little scope for rules of procedure. The CARE Act is similar, in that it includes detailed procedural requirements, but differs in that, as noted above, it requires the council to adopt rules and forms to implement its provisions.

The Probate and Mental Health Advisory Committee considered proposing a new, separate title of the rules of court for CARE Act proceedings or placing the proposed rules in an existing title. The committee proposes the latter, expanding the scope of title 7 of the rules, designating the probate rules (the current topic of the title) as division 1, and making a new division 2 for “Mental Health Rules,” placing the CARE Act rules in chapter 2 of that division. The committee proposes that the Judicial Council, effective September 1, 2023, adopt the following rules of court and place them in that chapter.

***Preliminary rules, rules 7.2201, 7.2205, and 7.2210***

These proposed rules would give preliminary guidance on the purpose and scope of the CARE Act rules, define terms, and consolidate the disparate statutory provisions requiring confidentiality of court records of CARE Act proceedings. (§§ 5976, 5976.5, 5977.1(c)(5), 5977.4(a) & (c).)

***Commencement of proceedings, rules 7.2221, 7.2223, 7.2225, and 7.2230***

These proposed rules focus mainly on the process of beginning judicial proceedings under the CARE Act. Rule 7.2221 fulfills two statutory mandates by prescribing the papers to be filed with the petition form (the “petition packet”) and the clerk’s duties on receipt of the petition and other required papers.<sup>5</sup> (§ 5977.4(c).) Proposed rule 7.2223 specifies that the statutory venue provisions apply at the time of filing the petition. (§ 5973(a).) This rule also provides a procedure for a transferring court and the court of the respondent’s county of residence to use to ensure effective and expeditious transfer of appropriate proceedings in the event of a transfer order.<sup>6</sup>

Rule 7.2225 clarifies that a petition is required to commence CARE Act proceedings. Section 5974 authorizes persons with specific relationships to the respondent to file such a petition. In addition, section 5978 authorizes a court to refer a person to CARE Act proceedings from proceedings to determine a misdemeanor defendant’s competence to stand trial, assisted outpatient treatment proceedings, and mental health conservatorship proceedings under the Lanterman-Petris-Short (LPS) Act.<sup>7</sup> The act, however, provides no exception to the petition requirement. Section 5978 limits the person authorized to act as the petitioner on referral from assisted outpatient treatment or conservatorship proceedings but does not specify who must be the petitioner on a referral to CARE Act proceedings from misdemeanor proceedings under Penal Code section 1370.01.<sup>8</sup> The rule recognizes a county’s authority to designate an agency to be the petitioner in those circumstances.<sup>9</sup>

Rule 7.2230 requires that respondent’s counsel be appointed under procedures established by local rule, and not simply through an ad hoc process. Although the statute requires the rules of

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<sup>5</sup> Although the statute mandates a rule addressing “the clerk’s review of the petition,” the statute does not provide any authority for the clerk to review the petition or any basis on which to decline to file it. Because of the policy of both the legislative and judicial branches to promote access to the courts, proposed rule 7.2221(b) outlines only what the clerk must do upon receipt of a filed petition.

<sup>6</sup> If the respondent resides in a county other than the one in which the petition is filed, the court must, if the respondent consents, transfer the case to the county of respondent’s residence as soon as possible. § 5973(b).

<sup>7</sup> Although the statute authorizes these referrals, it does not specify to whom the referral should be made or a procedural mechanism for making the referral. In the absence of any legislative direction, the committee does not propose a rule to address these issues.

<sup>8</sup> The amendments to Penal Code section 1370.01 authorizing referral of a misdemeanor defendant to CARE Act proceedings were initially included in SB 1338, but because that section was also amended by Senate Bill 1223, and that bill was enacted after SB 1338, the amendments providing for CARE Act referral were ultimately enacted by SB 1223. (Sen. Bill 1223; Stats. 2022, ch. 735, § 3.5.)

<sup>9</sup> Although the statute requires a petition to commence CARE Act proceedings in all circumstances, it does not require that such a petition actually be filed even following a referral. who would be the petitioner.

court to include “the process by which counsel will be appointed,” the lack of clarity regarding the status of public funding for CARE Act appointments and the contingency of a qualified legal service project’s eligibility for appointment on the availability of that funding and the project’s agreement to accept CARE Act appointments from the court led the committee to conclude that a rule specifying a statewide appointment process would be premature at best. To address due process concerns, the rule also requires that counsel be given a copy of the petition on appointment, so they can provide it to the respondent. Finally, it provides for substitution of counsel under specified circumstances and clarifies that, if the respondent exercises the right to be represented by counsel of the respondent’s choice, the respondent must arrange for compensation of the chosen counsel.

***Notice and joinder, rules 7.2235 and 7.2240***

The CARE Act requires notice of a variety of events to be given but rarely specifies the manner in which it must be given. Rule 7.2235 provides notice procedures for four separate events. First, rule 7.2235(a) provides for notice of an order for a report of additional information after the court has determined that the petition has made a prima facie showing that the respondent is eligible for the CARE Act process. (§ 5977(a)(3)(B).) This subdivision also provides for notice that the court has granted an extension for filing the report to give the county agency additional time to engage the respondent. (§ 5977(a)(4).)

Second, rule 7.2235(b) provides notice procedures for the initial appearance on the petition. These procedures are more stringent than others, especially for notice to the respondent, because this may be the first time the respondent learns that they are the subject of a CARE Act petition. So, for example, rule 7.2235(b)(1) requires that notice to the respondent be served in the manner of a civil summons and that it include a copy of the petition, a copy of *Notice of Respondent’s Rights—CARE Act Proceedings* (form CARE-112), and a copy of *Information for Respondents—About the CARE Act* (form CARE-060-INFO).

Rule 7.2235(c) provides for service of notice of other hearings in the CARE Act proceedings. Because of the possibility that the respondent may have misplaced *Notice of Respondent’s Rights—CARE Act Proceedings* (form CARE-112), notice to respondent of each hearing must include a copy of that form.

Finally, rule 7.2240 addresses the potential for joining other governmental agencies as parties. If a CARE plan includes services and supports provided directly or indirectly through a local government entity other than the county behavioral health agency, and the local entity does not agree to provide the service or support, section 5977.1(d)(4) authorizes the court to consider a motion by either of the parties to add the local entity as a party to the CARE Act proceedings. Rule 7.2240 supplies procedural conditions precedent to an order joining the local entity as a party. These conditions include issuance of an order to show cause at a hearing and service of the order to show cause in the same manner as a civil summons on the local entity.



### ***Accountability, rules 7.2301 and 7.2303***

Section 5979(b) provides a procedural mechanism for the court and its presiding judge or that judge's designee to exercise their authority to hold a county or other local government entity accountable for failing to provide the services and supports ordered in the CARE agreement or CARE plan or failing to comply with other court orders. Proposed rule 7.2301 would provide a time frame for service of the order to show cause authorized by the statute. Proposed rule 7.2303 would clarify that the respondent and respondent's counsel are entitled to be present and participate in any hearings held under section 5979.

### **Proposed forms**

The committee also proposes that the Judicial Council, effective September 1, 2023, adopt forms CARE-060-INFO, CARE-100, CARE-101, CARE-105, CARE-106, CARE-110, CARE-112, and CARE-115; and approve forms CARE-050-INFO, CARE-111, and CARE-120.

### **Information for Petitioners—About the CARE Act (*form CARE-050-INFO*)**

Proposed form CARE-050-INFO describes the CARE Act process and instructs petitioners how to properly fill out the proposed petition, form CARE-100. It is targeted especially toward self-represented petitioners. After providing basic information, the form walks the petitioner item by item through the process of completing *Petition to Commence CARE Act Proceedings* (form CARE-100). The form details the facts needed to support the petitioner's assertion that the respondent meets the statutory criteria to participate in the CARE Act process (§ 5972) and explains other requirements, such as a signature under penalty of perjury (§ 5975).

### **Information for Respondents—About the CARE Act (*form CARE-060-INFO*)**

Proposed form CARE-060-INFO gives the respondent important information about the CARE Act and CARE Act proceedings. The form would be required, under the proposed rules, to be served on the respondent before the initial appearance, both with the notice of an order for a CARE report and again with the notice of an initial appearance. Form CARE-060-INFO also explains what the CARE Act is, the possible identities and rights of each party, and what happens in an assessment and each stage of the court proceedings to help the respondent understand what the court is asked to do and how the respondent may respond.

### **Petition to Commence CARE Act Proceedings (*form CARE-100*)**

The committee proposes the adoption of form CARE-100 to fulfill the mandate in section 5975 for a mandatory petition form. As required by statute, proposed form CARE-100 enables the petitioner to provide or allege all the content required by sections 5972 (eligibility criteria), 5973 (venue), 5974 (permitted relationships between the petitioner and the respondent), and 5975 (mandatory petition form) to begin CARE Act proceedings. The form also includes optional fields that encourage early provision of information to the court, including whether the respondent has a tribal affiliation and whether the petition is brought on referral from a separate judicial proceeding.

### **Mental Health Declaration—CARE Act Proceedings (*form CARE-101*)**

In addition to the criteria in section 5972 needed to establish a respondent's eligibility for the CARE Act process, section 5975 also requires the petition to include either the affidavit of a licensed behavioral health professional addressing the CARE Act's diagnostic criteria (§ 5975(d)(1)) or, as an alternative, evidence that the respondent was detained for more than two periods of intensive mental health treatment, the most recent no more than 60 days before the filing of the petition (§ 5975(d)(2)). The proposed rules would require form CARE-101 to be attached to all petitions supported by the affidavit of a licensed behavioral health professional under section 5975(d)(1) and would provide a uniform framework and guidance for licensed behavioral health professionals to conduct and report assessments for CARE Act proceedings.

The committee also considered proposing a form for use to provide evidence of two or more intensive treatments under section 5975(d)(2) but determined that it would serve no useful purpose and would unduly prescribe the method for the petitioner to provide the evidence. Evidence of intensive treatment may consist of a certification or other documents or records related to the treatment. A separate form describing the evidence would not be an adequate substitute, and no cover sheet apart from the petition is needed. A separate form would, however, increase the paperwork required of the petitioner and the court. This conclusion notwithstanding, the committee has requested comment on the development of such a form.

### **Order for CARE Act Report (*form CARE-105*)**

If the court determines that the petition makes a prima facie showing that the respondent meets the criteria to participate in the CARE Act process and the petitioner is *not* the director of a county behavioral health agency or their designee, the court must order a county agency or their designee to engage the respondent and file a written report that addresses the respondent's eligibility for the CARE Act process, documents the agency's efforts during the report period to engage the respondent in voluntary services, and predicts the respondent's ability to engage in voluntary services.<sup>10</sup> Proposed form CARE-105 would provide the court with a mandatory form on which to order the report that includes all the statutory requirements.<sup>11</sup>

### **Notice of Order for CARE Act Report (*form CARE-106*)**

Section 5977(a)(3)(B) requires the court to order a county agency or its designee to give notice to the respondent and the petitioner that a report has been ordered. Proposed form CARE-106 would provide a uniform statewide mechanism for county agencies to use to serve the required notice. Because receipt of this notice would probably be the first time the respondent would learn

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<sup>10</sup> § 5977(a)(3)(B). If the petitioner *is* the director of a county behavioral health agency or their designee, the court *may*, at the same time it sets the initial appearance, order the county agency to submit a report that addresses the respondent's eligibility for the CARE Act process and the respondent's ability to engage in voluntary services, as well as documenting the agency's past efforts to engage the respondent in voluntary services. (§ 5977(a)(3)(A)(iii).) However, no notice of the order for the report is required separate from the notice of the initial appearance. (§ 5977(a)(3)(A)(iv).)

<sup>11</sup> Given the variety of mechanisms with which local courts serve their orders, the committee did not provide rules or a form for service of the CARE-105 to the county agency, leaving the determination to local courts and counties. Nevertheless, the committee requests comment on whether and how such service would be required.

of the CARE Act proceeding, the form, which is mandatory, would also specify additional documents that must, under the proposed rules, accompany notice to the respondent, providing information about the CARE Act process.

**Notice of Initial Appearance—CARE Act Proceedings (*form CARE-110*)**

Under section 5977(a), when it sets an initial appearance, the court must order notice of the initial appearance served on specified persons. If the county behavioral health agency is the petitioner, the court must order the agency director or their designee to serve the notice on the respondent, the respondent’s appointed counsel, and the behavioral health agency in the county where the respondent resides, if different from the county where the proceedings have commenced. (§ 5977(a)(3)(A)(iv).) If the county behavioral health agency is *not* the petitioner, the court must order “the county” to serve this notice on those same persons, as well as the petitioner *and* the behavioral health agency in the county where the proceedings have commenced if the proceedings have commenced in a county different from the county where the respondent resides. (§ 5977(a)(5)(C)(iii).) Proposed form CARE-110 would establish a uniform mechanism for any county agency to use to serve notice of the initial appearance. It would also list the documents that must, under the proposed rules of court, accompany the notice to the respondent to provide due process. Finally, the back page of the form would provide a proof of personal service on the respondent.

**Proof of Service by First-Class Mail of Notice of Initial Appearance—CARE Act Proceedings (*form CARE-111*)**

As discussed above in the context of rule 7.2235(b), only the respondent is entitled to personal service of the notice of initial appearance, proof of which is included in proposed form CARE-110. Proposed form CARE-111 may be used for proof of service by first-class mail on other parties. The committee has requested comment on whether a single proof of service that includes check boxes to indicate whether service on each party was delivered personally or by mail and clear instructions that personal service is required for respondents would be as effective as the proposed division into separate proofs of service.

**Notice of Respondent’s Rights—CARE Act Proceedings (*form CARE-112*)**

The CARE Act gives the respondent many procedural rights, enumerated in several different statutory provisions. Section 5976 enumerates the respondent’s rights in the CARE Act process. Section 5976.5 establishes a presumption of closed hearings in CARE Act proceedings and respondent’s rights regarding that presumption. Section 5977(b)(1), (3), and (7)(B) specify rights that may be exercised at the initial appearance. The committee proposes adopting form CARE-112 to inform respondents of all their rights in a single document, and requiring it to be included with notice of the initial appearance and each subsequent hearing served on the respondent.

**Notice of Hearing—CARE Act Proceedings (*form CARE-115*)**

Sections 5977(c) through 5977.3 establish the remaining court proceedings that can occur after the initial appearance. These include a hearing on the merits of the petition, a case management hearing, a clinical evaluation review hearing, a CARE plan review hearing, multiple status review hearings, a one-year status hearing, and a graduation hearing. Notice of each of these

hearings must be given to the parties. Proposed form CARE-115 would establish a single statewide form that parties would be required to use to provide notice of these hearings.

### **Request for New Order and Hearing—CARE Act Proceedings (*form CARE-120*)**

Form CARE-120 would provide a mechanism for a party to request relief from the court. The request may arise due to a change in circumstances or a party's noncompliance with court orders, including the orders that constitute the CARE plan. For example, 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. Section 5979 authorizes the court to make findings that the county or other local government entity is not complying with court orders. The committee proposes that this form be approved for optional use so as not to unduly restrict a party's options for seeking relief.<sup>12</sup>

### **Alternatives Considered**

The committee did not consider taking no action because the CARE Act requires the council to develop rules and forms. (§ 5977.4(c).) These requirements are discussed above.

The committee considered proposing rules on a variety of other subjects but determined that these subjects required determination of issues beyond the purview of the Judicial Council. In almost all cases, these rules would have required the committee to interpret substantive provisions of the CARE Act to resolve ambiguities. For example, the CARE Act uses many technical terms without defining them. Committee members understand that courts may struggle to determine what is required by the act when it uses those terms. In the absence of clear indications of legislative intent, however, resolution of these ambiguities is the province of the courts or, should it so choose, the Legislature itself.

In addition, the committee considered proposing rules for conducting each of the eight types of hearings required under the CARE Act. The committee determined that in most circumstances, the statute provides guidance in sufficient detail to enable courts to conduct these hearings.

The committee also considered proposing rules for engaging Indian health care providers and tribes but determined that the three provisions addressing tribal or Indian participation provide insufficient guidance from which to develop rules of court. Specifically, the statutes provide no clear statutory authority for the *court* to engage or join nonparty tribes or Indian health service providers against their will.<sup>13</sup>

Several committee members urged the proposal of an exception to the timelines and processes for development of local rules in Government Code section 68071 and rule 10.613. Members representing courts in the first cohort of CARE Act counties were particularly concerned with the

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<sup>12</sup> Approval of a Judicial Council form for optional use gives the option to use that form to the party. If a party files an applicable optional form with a court, the court must accept the form for filing. Cal. Rules of Court, rule 1.35(a).

<sup>13</sup> The statute *does* require the county to consult with a tribal court or an Indian health care provider but provides no mechanism to bring these entities within the authority of the court.

need to develop local rules to take effect July 1, 2023, a deadline that they have determined they will be unable to meet. However, the committee determined that the relief authorized by rule 10.613(i) was sufficiently broad to address the strictures of the normal time frames for developing local rules.

Some internal stakeholders suggested that the rules provide guidance on the process for taking appeals from judgments and orders in CARE Act proceedings. The committee determined, however, that the Appellate Rules, in title 8 of the California Rules of Court, which govern all appeals from trial court judgments and orders, provide sufficient procedural guidance for appeals from CARE Act proceedings. To the extent that statutory provisions regarding appeals are ambiguous, the court is the proper forum for resolution of those ambiguities.

Except for the petition form, which must be mandatory, the committee considered whether to propose the forms for mandatory or optional use. The committee chose to propose almost all the forms for mandatory use to ensure that consistent information about the CARE Act is given to all parties and that notices and filings include all the information required by statute. The only exceptions are *Information for Petitioners—About the CARE Act* (form CARE-050-INFO), which is proposed for use *before* a case has been initiated, and *Request for New Order and Hearing—CARE Act Proceedings* (form CARE-120), which is proposed for optional use to promote parties' access to the courts and encourage local courts to offer additional methods for requesting an order and hearing.

### **Fiscal and Operational Impacts**

The CARE Act itself poses significant fiscal and operational challenges for the trial courts, which need to create a new proceeding from the ground up. Limited funding to prepare for the operation of the act in the first cohort of seven courts on October 1, 2023, is included in this year's trial court budget. New ongoing funding for court operations and compensation of appointed counsel in proceedings under the act is expected to be included in the fiscal year 2023–24 budget and available to the trial courts before October 1, 2023, when the first cohort of seven counties must have CARE programs in operation.

On the other hand, the proposed rules and forms should not have a significant fiscal or operational impact on the courts. They are intended, in part, to mitigate the operational impact of implementing the CARE Act by providing procedural guidance and standard mechanisms for commencing a proceeding under the act, giving notice of hearings and other proceedings under the act, and providing information to the parties. The proposal also leaves trial courts with flexibility to fine-tune their CARE Act processes by developing and adopting local rules.

### Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is it appropriate to require that a copy of the petition be served with notice of the initial appearance?
- Would a form for a petitioner to provide evidence under section 5975(d)(2) of a respondent's multiple intensive treatments serve a function that is not more effectively served by direct documentary evidence of those treatments? If so, what function? What evidence or information should the form solicit from the petitioner?
- Would a mandatory statewide method for the court to serve *Order for CARE Act Report* on the county agency be necessary or sufficient to ensure that the county agency receives the order, serves notice of the order on the required parties, and prepares the report?
- Would a single proof of service for the notice of the initial appearance—including check boxes to indicate whether service was provided to each party personally or by mail and clear instructions that respondent must receive notice by personal service—be as effective in ensuring that all parties receive proper notice as the current division of proof of personal service on the reverse of the notice, form CARE-110, and proof of service by mail on form CARE-111?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would four months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Cal. Rules of Court, rules 7.2201–7.2303, at pages 12–19
2. Forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, CARE-105, CARE-106, CARE-110, CARE-111, CARE-112, CARE-115, CARE-120, at pages 20–48
3. Link A: Senate Bill 1338,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB1338](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338)

Rules 7.2201, 7.2205, 7.2210, 7.2221, 7.2223, 7.2225, 7.2230, 7.2235, 7.2240, 7.2301, and 7.2303 of the California Rules of Court would be adopted, effective September 1, 2023, to read:

1 **Title 7. Probate and Mental Health Rules**

2  
3 **Division 1. Probate Rules**

4  
5  
6 **Rules 7.1.–7.1105. \* \* \***

7  
8  
9 **Division 2. Mental Health Rules**

10  
11 **Chapter 1. [Reserved]**

12  
13 **Chapter 2. CARE Act Rules**

14  
15 **Article 1. Preliminary Provisions**

16  
17  
18 **Rule 7.2201. Title and purpose**

19  
20 The rules in this chapter may be referred to as the CARE Act rules. These rules are  
21 intended to implement the policies and provisions governing judicial proceedings under  
22 the CARE Act.

23  
24  
25 **Rule 7.2205. Definitions**

26  
27 As used in this chapter, the terms defined in Welfare and Institutions Code section 5971  
28 have the meaning set forth in that section. In addition, as used in this division:

- 29  
30 (1) “CARE Act” refers to the Community Assistance, Recovery, and Empowerment  
31 Act, as codified at Welfare and Institutions Code sections 5970–5987.  
32  
33 (2) “Intensive treatment” is involuntary mental health treatment authorized under  
34 section 5250.  
35  
36 (3) A “section” is a section of the Welfare and Institutions Code unless otherwise  
37 specified.  
38  
39

40 **Rule 7.2210. General provisions**

1 **(a) Local rules**

2  
3 A superior court may, subject to the limits in the CARE Act and these rules, adopt  
4 local rules to govern CARE Act proceedings.  
5

6 **(b) Access to records (§ 5977.4(a))**

7  
8 All filings and all evaluations, reports, and other documents submitted to the court  
9 in CARE Act proceedings are confidential, notwithstanding disclosure of their  
10 contents during a CARE Act hearing. No person other than the respondent, the  
11 respondent’s counsel, and the county behavioral health director or the director’s  
12 designee may inspect the case records without a court order.  
13

14  
15 **Article 2. Commencement of Proceedings**

16  
17  
18 **Rule 7.2221. Papers to be filed**

19  
20 **(a) Petition packet (§ 5975)**

21  
22 A petition to commence CARE Act proceedings must be made on *Petition to*  
23 *Commence CARE Act Proceedings* (form CARE-100). The petition must include  
24 either:

25  
26 (1) A completed *Mental Health Declaration—CARE Proceedings* (form CARE-  
27 101); or

28  
29 (2) The evidence described in section 5975(d)(2).  
30

31 **(b) Acceptance of papers for filing**

32  
33 On receipt of a petition, the clerk must file the petition packet, assign a case  
34 number, and place the packet in a confidential file.  
35

36  
37 **Rule 7.2223. Venue and transfer (§ 5973)**

38  
39 **(a) Filing**

40  
41 A petition to commence CARE Act proceedings may be filed in the superior court  
42 of:  
43



- 1           (1) The county where the respondent resides at the time of filing;
- 2
- 3           (2) The county where the respondent is found at the time of filing; or
- 4
- 5           (3) A county where the respondent is a defendant or respondent in a pending
- 6                 criminal or civil action or proceeding.
- 7

8   **(b) Transfer**

9

10 If the court orders the proceeding transferred to the superior court of the  
11 respondent's county of residence, the courts must proceed as follows:

12

- 13           (1) The clerk of the transferring court must mail notice and a copy of the order  
14                 to:
  - 15
  - 16                 (A) The petitioner;
  - 17
  - 18                 (B) A former petitioner to whom the court has assigned notice rights under  
19                         section 5977(a)(7)(B)(ii), if any;
  - 20
  - 21                 (C) The respondent;
  - 22
  - 23                 (D) The respondent's counsel, if any;
  - 24
  - 25                 (E) The county behavioral health agency of the county in which the petition  
26                         was filed, if the agency is not the petitioner;
  - 27
  - 28                 (F) The county agency preparing a report ordered under section  
29                         5977(a)(3)(B); and
  - 30
  - 31                 (G) The county behavioral health agency in the respondent's county of  
32                         residence.
- 33
- 34           (2) The clerk of the transferring court must transmit to the clerk of the receiving  
35                 court a certified copy of the order and all papers on file in the proceeding.
- 36
- 37           (3) When a court receives the case file of a transferred proceeding, the receiving  
38                 court must send written notification of receipt to the transferring court.
- 39
- 40           (4) If the transferring court has not received a notification of receipt within 60  
41                 days of the transfer order, it must make a reasonable inquiry into the status of  
42                 the transferred proceeding.
- 43

1  
2 **Rule 7.2225. Petitioner (§§ 5974, 5978)**

- 3  
4 (a) A petition to commence proceedings under the CARE Act may be filed by any of  
5 the persons identified in section 5974, except as provided in section 5978.  
6  
7 (b) On referral by a court under Penal Code section 1370.01, an agency designated by  
8 the county will be the petitioner.  
9

10  
11 **Rule 7.2230. Counsel for respondent (§§ 5976(c), 5977(a)(3)(A), (a)(5)(C) & (b)(1))**

12  
13 **(a) Appointment**

14  
15 If the court finds that the petitioner has made a prima facie showing that the  
16 respondent is or may be a person described by section 5972, the court must, in  
17 accordance with procedures established by local rule:

- 18  
19 (1) Appoint a qualified legal services project as counsel to represent the  
20 respondent; or  
21  
22 (2) If no qualified legal services project has agreed to accept CARE Act  
23 appointments from the court, appoint the public defender to represent the  
24 respondent.  
25

26 **(b) Copy of petition**

27  
28 On appointment, the clerk must provide a copy of the petition to appointed counsel.  
29

30 **(c) Substitution (§ 5977(b)(1))**

- 31  
32 (1) The court may relieve appointed counsel:  
33  
34 (A) At the request of counsel or the respondent, on substitution of  
35 respondent's own chosen counsel or appointment of substitute counsel;  
36 or  
37  
38 (B) For cause, on appointment of substitute counsel.  
39  
40 (2) The respondent must make arrangements for the compensation, if any, of  
41 chosen counsel.  
42  
43

1 **Article 3. Notice and Joinder**

2  
3  
4 **Rule 7.2235. Notice of proceedings (§§ 5977–5977.3, 5979)**

5  
6 **(a) Notice of order for report to augment petition (§ 5977(a)(3) & (4))**

- 7  
8 (1) Before engaging the respondent and preparing a report ordered under section  
9 5977(a)(3)(B), the county agency ordered to prepare the report must serve  
10 written notice of the order on the respondent, the respondent’s counsel, and  
11 the petitioner by first-class mail.
- 12  
13 (2) Notice must be made on *Notice of Order for CARE Act Report* (form CARE-  
14 106), and must include a copy of the *Order for CARE Act Report* (form  
15 CARE-105) issued by the court.
- 16  
17 (3) Notice to respondent must include *Information for Respondents—About the*  
18 *CARE Act* (form CARE-060-INFO).
- 19  
20 (4) If the court grants the county agency additional time to engage the respondent  
21 in voluntary treatment and services before filing the report, the county agency  
22 must, within five calendar days, serve written notice of the extended report  
23 deadline on the respondent, the respondent’s counsel, and the petitioner on  
24 form CARE-106 by first-class mail.

25  
26 **(b) Notice of initial appearance (§ 5977(a)(3)(A), (a)(5)(C), (b))**

- 27  
28 (1) No later than five court days before the date set for the initial appearance  
29 under section 5977(c), the county behavioral health agency must serve notice  
30 of the date, time, and location of the initial appearance on the respondent, the  
31 respondent’s counsel, the petitioner, and, if the respondent does not reside in  
32 the county where the petition is filed, the county behavioral health agency in  
33 the respondent’s county of residence.
- 34  
35 (2) Notice must be made on *Notice of Initial Appearance—CARE Act*  
36 *Proceedings* (form CARE-110).
- 37  
38 (3) *Notice to respondent*
- 39  
40 (A) Notice must be served on the respondent as provided in paragraphs (1)  
41 and (2) in the manner provided in Code of Civil Procedure section  
42 415.10 or, if the respondent has a mailing address, in section 415.30 or  
43 in any manner authorized by the court.

1  
2 (B) Notice to the respondent must include copies of the following:

3  
4 (i) The petition;

5  
6 (ii) Any report ordered under section 5977(a)(3);

7  
8 (iii) Notice of Respondent's Rights—CARE Act Proceedings (form  
9 CARE-112); and

10  
11 (iv) Information for Respondents—About the CARE Act (form CARE-  
12 060-INFO).

13  
14 (4) Notice to respondent's counsel

15  
16 (A) Notice must be served on respondent's counsel as provided in  
17 paragraphs (1) and (2) by first-class mail.

18  
19 (B) Notice to respondent's counsel must include copies of the following:

20  
21 (i) The petition; and

22  
23 (ii) Any report ordered under section 5977(a)(3)(B).

24  
25 (5) Notice to other persons

26  
27 Notice must be served on the other persons to entitled receive notice as  
28 provided in paragraphs (1) and (2) by first-class mail.

29  
30 (c) **Notice of other hearings (§§ 5977–5977.3, 5979)**

31  
32 (1) No later than five court days before the date set for any hearing in CARE Act  
33 proceedings after an initial appearance, the county behavioral health agency  
34 must serve notice of the date, time, place, and purpose of the hearing on the  
35 respondent, respondent's counsel, and any other person or entity the court has  
36 joined as a party to the proceedings.

37  
38 (2) Notice must be made on Notice of Hearing—CARE Act Proceedings (form  
39 CARE-115) and served by first-class mail.

40  
41 (3) Notice to the respondent must include a copy of Notice of Respondent's  
42 Rights—CARE Act Proceedings (form CARE-112).

- 1           (4) Notice to respondent and respondent’s counsel of a clinical evaluation  
2 hearing under section 5977.1(c) must include a copy of the evaluation  
3 ordered under section 5977.1(b).  
4  
5           (5) Notice to the respondent and respondent’s counsel of a status review hearing  
6 under section 5977.2(a)(1) must include a copy of the report required by that  
7 section.  
8  
9           (6) Notice to the respondent and respondent’s counsel of a one-year status  
10 hearing under section 5977.3(a)(1) must include a copy of the report required  
11 by that section.  
12  
13

14 **Rule 7.2240. Joinder of local government entity (§ 5977.1(d)(4))**

15  
16 Before granting a party’s motion or request to join to the proceedings a local government  
17 entity that would be required to provide a service or support under a proposed CARE  
18 plan, the court must:  
19

- 20 (a) Order the local government entity to show cause why the entity should not be  
21 joined as a party to the CARE Act proceedings and ordered to provide the service  
22 or support;  
23  
24 (b) Provide no fewer than 15 calendar days after the date of the order’s issuance for the  
25 hearing on the order to show cause; and  
26  
27 (c) Direct the clerk to serve the order to show cause in the manner provided in Code of  
28 Civil Procedure section 415.10 or 415.30 on the local government entity and the  
29 parties at least 14 calendar days before the date set for hearing.  
30  
31

32 **Article 4. Accountability**

33  
34  
35 **Rule 7.2301. Order to show cause (§ 5979(b))**

36  
37 When a presiding judge or their designee issues an order to show cause why the county or  
38 other local government entity should not be fined for not complying with court orders, as  
39 provided in section 5979(b)(2)(A), the clerk must serve the order to show cause on the  
40 county or other government entity and the parties at least 14 calendar days before the date  
41 set for hearing.  
42  
43

1 **Rule 7.2303. Participation in accountability hearings (§ 5979)**

2

3 Respondent and respondent's counsel are entitled to be present at and participate in all  
4 proceedings under section 5979(a) and (b).

DRAFT

This information sheet describes the CARE Act and how to fill out *Petition to Commence CARE Act Proceedings* (form CARE-100).

## 1 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE Act is a way to allow specific people, called “petitioners,” to request court-ordered treatment, services, support, and housing resource priority for persons with untreated severe mental illness, specifically schizophrenia and other psychotic disorders, called “respondents.” A respondent must be 18 years of age or older.

CARE Act proceedings involve assessments and hearings to determine whether the respondent meets eligibility requirements. A county behavioral health agency will be involved in the process. If the respondent meets the standards for CARE eligibility, a CARE agreement or plan will be created and, if approved, ordered by the court.

## 2 What is a CARE agreement or CARE plan?

A CARE agreement and a CARE plan are written documents that specify services designed to support the recovery and stability of the respondent. They must be approved by court order.

A CARE agreement is a voluntary agreement entered into by a respondent and the county behavioral health agency after a court has found that the respondent is eligible for the CARE program. A CARE agreement includes access to community-based services and supports. The agreement is subject to court modification before approval.

A CARE plan is an individualized range of community-based services and supports for the respondent that is ordered by the court. The plan may include clinical behavioral health care; counseling; specialized psychotherapies, programs, and treatments; stabilization medications; priority access to housing resources; and other supports and services, directly and indirectly through a local government entity. CARE plans do not include forced medication.

## 3 Have you considered alternatives to CARE Act proceedings?

There may be other ways to help a person with a severe mental illness. Contact your county’s behavioral health agency or check its website for services. Behavioral health agencies offer an array of services, from counseling, behavioral health programs, clinics, and private psychiatrists, psychologists, or therapists, to full-service partnerships, assertive community treatment, and supportive housing. They can provide all of these services to eligible persons without a court order.

Find out if the person has made an advance health care directive designating someone else to make health care decisions on their behalf when they cannot. Consider looking into local social services and community-based organizations, too.

A *full-service partnership* is designed for a person with a serious emotional disturbance or severe mental illness who would benefit from an intensive service program. A full-service partnership can assist a person who is homeless, involved with the justice system, or uses crisis psychiatric care frequently. *Assertive community treatment* is a form of mental health care provided in a community setting to help a person become independent and integrate into the community as they recover.

## 4 How to complete *Petition to Commence CARE Act Proceedings* (form CARE-100)

### Item 1: Who Can Be the Petitioner?

The petitioner is the person who is requesting to start CARE Act proceedings for a person who suffers from a severe mental illness and needs help.

To be a petitioner, you must be 18 years of age or older. You can be related to the respondent or be the director of an agency who has had frequent contact with the respondent due to their mental health disorder.



You **must** fall within one of the following categories to be able to request CARE Act proceedings for a respondent:

- 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.
- The director of a hospital, or their designee, in which the respondent is or was recently hospitalized.
- The director of a public or charitable agency, or their designee, who has within the last 30 days provided or who is currently providing behavioral health services to the respondent or in whose institution the respondent resides.
- A licensed behavioral health professional, or their designee, who is or has been supervising the treatment of or treating the respondent for mental illness within the last 30 days.
- The director of a county behavioral health agency, or their designee, of the county where the respondent resides or is found.
- A judge of a tribal court located in California, or their designee.
- The director of adult protective services, or their designee, of the county where the respondent resides or is found.
- The director of a California Indian health services program or a California tribal behavioral health department, or their designee.
- 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 in the form of multiple arrests, detentions, and transportation under Welfare and Institutions Code section 5150, multiple attempts to engage the respondent in voluntary treatment, or other repeated efforts to aid the respondent in obtaining professional assistance.
- The public guardian or public conservator, or their designee, of the county where the respondent is present or reasonably believed to be present.
- Respondent.

In item 1, enter your name and check the box next to the eligible petitioner type or types that apply to you.

### **Item 2: Relationship to the Respondent**

Enter respondent's name in item 2a and describe the nature of your relationship with the respondent in item 2b. If you are not related to the respondent or living with the respondent, include the number of interactions you have had with the respondent, the approximate date of the last interaction, and the outcome of the interactions in item 2c.

### **Item 3: Respondent's Address or Last Known Location**

If you know where the respondent lives, include the address in item 3. This can be a general location, such as a park, hotel, or intersection where the person has been staying.

### **Item 4: County of Filing**

In item 4, explain why it is appropriate to file the petition in the county where you are filing. The respondent must either live in the county, currently be in the county, or have a legal case in the county. Check all that apply. If the person does not live in the county, it is also helpful to include where they live, if you know.





**Item 5: Respondent Eligibility**

You must provide facts and supporting information to show that the respondent is eligible for CARE Act proceedings. All the following requirements, listed in item 5 of form CARE-100, must be met for the respondent to be eligible.

Requirements	Explanations	Examples
<b>The respondent must be 18 years old or older (item 5a) and must:</b>		
<p>Have received a diagnosis of a schizophrenia spectrum disorder or another psychotic disorder in the same class, as defined in the current Diagnostic and Statistical Manual (item 5b).</p>	<p>Only a person with a schizophrenia spectrum or other psychotic disorder is eligible for the CARE Act process. A person with another serious mental illness, such as bipolar disorder or major depression, is not eligible.</p> <p><b>Note:</b> The psychotic disorder must not be based on a medical condition, including a physical health condition such as a traumatic brain injury, autism, dementia, or a neurological condition. A person with a current diagnosis of substance use disorder must also have a psychotic disorder and meet all the other criteria in item 5 to be eligible.</p>	<p>Schizophrenia, schizophreniform disorder, schizoaffective disorder, delusional disorder, and other psychotic disorders.</p>
<p>Be currently experiencing a mental illness that (item 5c)</p> <ul style="list-style-type: none"> <li>• Is severe in degree and persistent in duration (item 5c(1))</li> <li>• May cause behavior that interferes substantially with activities of daily living (item 5c(2)), and</li> <li>• May lead to an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period (item 5c(3)).</li> </ul>	<ul style="list-style-type: none"> <li>• Show how significantly the illness impairs respondent’s functioning and well-being, as well as how long respondent has been living with the illness.</li> <li>• Indicate any behaviors, such as delusions, hallucinations, or unusual and ongoing mood changes, that substantially interfere with respondent’s ability to perform essential and routine tasks needed for work or self-care.</li> <li>• Show that respondent is unable to live independently, function in the community, and take care of their condition and social relationships, without help.</li> </ul>	<p>Severe and persistent mental illnesses are chronic, prolonged, or recurrent and may cause behavior that impairs activities of daily living.</p> <ul style="list-style-type: none"> <li>• Difficulty with self-care (personal hygiene, diet, clothing, avoiding injuries, securing health care, or following medical advice).</li> <li>• Difficulty maintaining a residence, using transportation, or managing money day to day.</li> <li>• Difficulty concentrating or completing tasks as scheduled.</li> <li>• Difficulty functioning socially, creating and maintaining relationships.</li> <li>• Recent history of inability to care for themselves (bathe, groom, get food and eat, walk, use the restroom) daily without help.</li> </ul>



Requirements	Explanations	Examples
<p>Not be clinically stabilized in ongoing voluntary treatment (<b>item 5d</b>).</p>	<p>Show that respondent is not being adequately supported in a voluntary treatment program such that their condition and symptoms are stable.</p>	<ul style="list-style-type: none"> <li>• Repeated and ongoing refusal to accept voluntary treatment.</li> <li>• Temporary acceptance of voluntary treatment that is interrupted by failure or refusal to continue the treatment.</li> <li>• Voluntary treatment is accepted, but that treatment is not effective to stabilize the respondent.</li> </ul>
<p><b>At least one of the following must be true (item 5e):</b></p>		
<p>The respondent is unlikely to survive safely in the community without supervision <b>and</b> the respondent's condition is substantially deteriorating (<b>item 5e(1)</b>).</p> <p><b>OR</b></p>	<ul style="list-style-type: none"> <li>• Indicate recent instances where the respondent has needed assistance to survive in the community.</li> <li>• Show how the respondent's ability to think clearly, communicate, or participate in regular activities has worsened quickly.</li> </ul>	<ul style="list-style-type: none"> <li>• Recent psychiatric hospitalizations.</li> <li>• Frequent hospitalizations.</li> </ul>
<p>The respondent needs services and supports to prevent a relapse or deterioration that would likely result in grave disability or serious harm to the respondent or others (<b>item 5e(2)</b>).</p>	<ul style="list-style-type: none"> <li>• Describe how the respondent would be unable to survive safely, would be gravely disabled, or would cause serious harm to others or themselves unless they received services and supports.</li> <li>• <i>Grave disability</i> means a person's inability, due to mental illness, to provide for their basic personal needs for food, clothing, or shelter.</li> <li>• <i>Serious harm</i> includes injury causing extreme pain, high risk of death, or loss of physical or mental functions.</li> </ul>	<ul style="list-style-type: none"> <li>• A person who has access to housing but chooses to live in conditions that could lead to hypothermia.</li> <li>• A person who has recently attempted suicide because of their mental illness and continues to express a desire to self-harm.</li> </ul>



Requirements	Explanations	Examples
<b>The respondent’s participation in a CARE plan or CARE agreement must:</b>		
Be the least restrictive alternative necessary to ensure the respondent’s recovery and stability ( <b>item 5f</b> ), and	Explain how participation in a CARE plan or CARE agreement would: <ul style="list-style-type: none"> <li>• Interrupt, disturb, or interfere with the respondent’s desires, lifestyle, or preferences <i>less</i> than any other treatment option that would ensure the respondent’s recovery and stability.</li> <li>• Effectively meet the respondent’s treatment needs while placing as few limits as possible on the respondent’s rights and personal freedoms.</li> </ul>	Less-restrictive alternatives might include: <ul style="list-style-type: none"> <li>• Voluntary full-service partnerships</li> <li>• Supported decisionmaking</li> <li>• Assertive community treatment</li> </ul>
Be likely to benefit the respondent ( <b>item 5g</b> ).	Explain how participating in a CARE plan could help respondent stabilize and improve their current state and situation.	Respondent’s prior improvement when participating in similar treatment programs.

**Note:** Include in the petition as much information as possible for each item listed above, with supporting documents attached.

**Item 6: Supporting Documentation**

You must attach supporting documentation to the petition. That documentation must include one of two things:

- a. A declaration by a licensed behavioral health professional on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101); **OR**
- b. Evidence that respondent was detained for a minimum of two intensive treatments, the most recent one within the last 60 days. Evidence can include copies of certification for intensive treatment, a declaration from a witness to the intensive treatment, or other documents showing that the respondent was detained twice for up to 14 days of intensive treatment. Evidence should include the dates of the last treatment period. **Note:** For purposes of the CARE Act, “intensive treatment” only includes involuntary treatment authorized by Welfare and Institutions Code, § 5250. It does *not* refer to treatment authorized by any other statute, including but not limited to 72-hour holds under Welfare and Institutions Code, § 5150 or treatments under Welfare and Institutions Code, §§ 5260 and 5270.15.

**Item 7: Tribal Enrollment or Services From an American Indian Health Care Provider (Optional)**

If you know or believe that the respondent is a member of a federally recognized Indian tribe, or is receiving services from an Indian health care provider, tribal court, or tribal organization, include that information in item 7.

**Note:** The petition will be processed even if you do not complete item 7.

**Item 8: Referral From Another Court (Optional)**

If you are filing a petition based on a referral from a court proceeding, check this box. Indicate which court made the referral and include the case number and department, if known. If you know which of the types of proceedings listed on the petition it was referred from, check the appropriate box in item 8c. Otherwise, leave item 8 blank and do not check the box.

**Note:** The petition will be processed even if you do not complete item 8.



## Item 9: Attachments

In item 9, list the total number of pages attached to the petition.

**Signature:** You must write the date, print your name, and sign the petition under penalty of perjury. If you have an attorney helping you, they will sign as well.

### 5 No service of process is required

To begin CARE Act proceedings, you do not need to provide anyone except the court with a copy of the petition.

### 6 What will happen after you file the petition?

After a CARE Act petition is filed, the court will promptly review the petition and supporting documents to determine if they show that respondent meets or might meet the requirements described above. Then it will do one of the following:

- a. **Dismiss the petition.** The court will do this if it finds (1) that the petition does not show that the respondent meets or may meet the CARE Act eligibility requirements or (2) that the respondent is voluntarily working with the county agency, their engagement is effective, and the respondent has enrolled or is likely to enroll in voluntary treatment.
- b. **Order a report.** If the court finds that the petition does show that the respondent meets or may meet the criteria for the CARE Act process, the court will order a county agency to engage the respondent and file a written report with the court within 14 business days. You and the respondent will be notified that the report has been ordered.
- c. **Set an initial appearance.** The court will set an initial appearance if it finds that the county agency's report supports the petition's showing that the respondent meets or may meet the CARE Act eligibility requirements and the county's engagement with the respondent was not effective. The court will also order the county to give notice of the hearing to you, the respondent, respondent's appointed counsel, and the county behavioral health agency.

**Note:** The procedures are somewhat different if the county behavioral health agency is the petitioner.

### 7 What happens at the initial appearance?

You, the petitioner, must be present at the initial hearing, or the court may dismiss the petition. You will receive a notice in the mail of the date, time, and place of the hearing.

**Note:** At the initial appearance, the director of the county behavioral health agency, or their designee, will replace you as the petitioner.

### 8 What rights do petitioners have?

If you live with the respondent, are a spouse or registered domestic partner, parent, sibling, child, grandparent of the respondent, or someone who stands in the place of a parent to the respondent, you have the right to participate during the hearing to determine the merits of the petition. The court may, in its discretion, assign you ongoing rights of notice. If the respondent agrees, the court may allow you to participate in the rest of the CARE Act proceedings.

If the matter is dismissed and later there is a change in circumstances, you may file a new petition with the court.

If you are a petitioner other than those listed above, you have the right to make a statement at the hearing on the merits of the petition, but you will not be assigned ongoing rights.

### 9 What is a vexatious litigant?

The court may determine a person is a vexatious litigant if that person files more than one petition under the CARE Act that has no basis in truth or reality or is intended to harass or annoy the respondent. A person who is deemed a vexatious litigant may be placed on a vexatious litigants list prepared and maintained by the Judicial Council. The court may enter a prefilng order that prevents a vexatious litigant from filing any new litigation without first obtaining permission from the presiding judge of the court where the filing is proposed. If a prefilng order is issued, a vexatious litigant who does not follow the order may be punished for contempt of court, which could result in fines or imprisonment.

This information sheet provides information about the CARE Act and CARE Act proceedings.

### 1 Why are you being given these documents?

A family member, friend, or someone who has interacted with you due to your mental health has filed a petition to begin CARE Act proceedings for you. The petition asks the court to determine that you qualify for services and treatment under the CARE Act. A court has found that you may qualify and is requesting additional information.

**Note:** You have been appointed an attorney, free of charge. Your court-appointed attorney will be contacting you about these proceedings. You may also choose an attorney to represent you instead of the appointed attorney. If you choose your own attorney, you are responsible for paying their fees.

### 2 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE Act is a way to get court-ordered treatment, services, support, and housing resources priority for people with certain untreated severe mental illnesses, specifically schizophrenia and other psychotic disorders.

CARE ACT proceedings involve outreach, meetings, and court hearings to determine whether you, the respondent, meet the eligibility requirements and to identify the services and supports you might need. One or more county agencies will be involved in the proceedings. If the court determines that you have met the standards for CARE eligibility, you may work with the county behavioral health agency to develop a CARE agreement or a CARE plan for services and supports.

### 3 What is a CARE plan or CARE agreement?

A CARE plan and CARE agreement are written documents that specify services designed to support you.

A CARE plan is an individualized range of community-based supports and services that is ordered by the court. The plan may include clinical behavioral health care; counseling; specialized psychotherapies, programs, and treatments; stabilization medications; prioritization of housing; and other supports and services.

A CARE agreement is a voluntary agreement between you and the county behavioral health agency after a court has found that you are eligible for the CARE program. A CARE agreement can include the same elements as a CARE plan to support your access to community-based services and supports.

### 4 Who is the petitioner?

The petitioner is the person who is asking the court to start CARE Act proceedings for you.

### 5 Who is the respondent?

You are the respondent, the person for whom the CARE Act proceedings are being requested.

### 6 What happens after the petition has been filed?

The court reviews the petition, decides whether you might be eligible for CARE Act proceedings, and may order a county agency to try to contact you, talk with you, and file a written report with the court within 14 business days, unless an extension is granted by the court. You and the petitioner will be sent notice if the court orders a report.

#### What happens if the county agency contacts you?

The county agency will ask you about your mental and physical health, the effects of your mental health on your life, whether services and treatment would be helpful, and whether you are willing to work with the county to get services and treatment.



## What will the report include?

The report will include the following information:

- A determination of whether you meet, or are likely to meet, the eligibility requirements for the CARE Act process, including your mental health diagnosis and current condition, whether you need additional mental health services, and whether there are treatment options that would help you and be less restrictive than a CARE plan or agreement.
- The results of the county’s efforts to seek your voluntary participation in services and the county’s conclusions about your ability to participate voluntarily in services.

## What happens after the court receives the report?

After the court receives the report, it will either:

- **Dismiss the proceedings:** If the court finds, based on the petition and the county’s report, that you are not eligible for CARE Act proceedings or that you are working willingly and effectively with the county agency and you have willingly enrolled or are likely to enroll in behavioral health treatment, the court will dismiss the case; or
- **Set an initial appearance (court hearing):** If the court finds that the county’s report shows that you probably meet the requirements for CARE Act proceedings and the county’s contacts with you were not able to connect you with community-based services and supports, the court will set an initial appearance.

**Note:** If the court sets an initial appearance, a court-appointed attorney will contact you, and you will get notice of the date, time, and place of the hearing and additional information.

## 7 What happens at the initial appearance and the hearing on the merits?

### At the initial appearance:

- You may replace your court-appointed attorney with an attorney that you choose.  
**Note:** If you choose your own attorney, you are responsible for paying their fees, if any.
- You have the right to appear in person. You can choose to give up your right to attend personally, and your attorney can appear on your behalf.
- If you do not indicate through your attorney that you are choosing not to attend and you do not appear, and the court makes a finding on the record that reasonable attempts to encourage you to appear have failed, there may be a hearing without you, if the court finds that would be in your best interests.
- The petitioner must be present at the initial appearance, or the petition may be dismissed.
- A representative from the county behavioral health agency will be present.
- The court may appoint a supporter for you. A supporter is someone to help you understand the process and communicate what you want and need. You can choose your supporter. For more information, see item (11), below.
- If you are enrolled in a federally recognized Indian tribe or otherwise receiving services from an Indian health care provider, a tribal court, or a tribal organization, a representative from the program, the tribe, or the tribal court is allowed to be present if you consent. The tribal representative is entitled to notice by the county of the initial appearance.
- If the original petitioner is not the director of a county behavioral health agency, the petitioner will be replaced by the director of the county behavioral health agency, or their designee, who will take over as the petitioner.
- The court will set a hearing on the merits of the petition.
- The hearing on the merits of the petition may happen at the same time of the initial appearance on the petition but only if you, the petitioner, and the court agree.



## At the hearing on the merits:

The court will determine if you meet the CARE Act criteria. In making this determination, the court will consider all evidence properly before it, including the report from the county agency and any additional evidence presented by the parties, including the petition and any information you provide.

- **If the court finds that you *do not* meet the CARE Act requirements:** The court will dismiss the petition without prejudice unless the court makes a finding, on the record, that the original petitioner's filing was not in good faith.
- **If the court finds that the petitioner has shown that you *do* meet the CARE Act requirements:** The court will order the county behavioral health agency to work with you, your attorney, and the supporter to participate in behavioral health treatment and determine if you and the behavioral health agency will be able to enter into a CARE agreement. The court will also set a case management hearing.

**Note:** If you are enrolled in a federally recognized Indian tribe and you want a tribal representative to attend the case management hearing, you should notify the tribe of the date, time, and place of the hearing.

## 8 What happens at the case management hearing and afterward?

The CARE Act provides for a process of multiple hearings and status reviews. If you and the county behavioral health agency can reach a CARE agreement, the court will approve the terms as submitted or modify the terms and approve the modified terms and set the first status review within 60 days. If a CARE agreement cannot be reached, the court will order you to be evaluated. If the court decides after the evaluation that you still meet the CARE Act criteria, the court will order you and the county behavioral health agency to develop a CARE plan together. After the court approves a CARE plan, it will schedule status review hearings to check on the progress you, the county, and other service providers are making with the plan. The plan can last up to a year but can be extended for an additional year if certain criteria are met.

Your court-appointed attorney will go over the full process with you and answer any questions you have.

## 9 Petitioner's Rights

If the petitioner lives with you; is your spouse, parent, sibling, child, grandparent; or is someone who stands in the place of a parent, that person has the right to participate during the hearing to determine the merits of the petition. The court may assign these petitioners ongoing rights of notice. If you agree, the court may allow the petitioner to participate in your CARE Act proceedings.

If the petitioner is someone not on the list above, they have the right to make a statement at the hearing on the merits of the petition but will not be assigned ongoing rights.

## 10 Respondent's Rights

If you have petitioned to begin the CARE Act process for yourself or someone else has petitioned on your behalf, you have the right to be informed of the proceedings, the right to take part in the proceedings, the right to be represented in all stages of the process, and other rights. For more information about your rights as a respondent, see *Notice of Respondent's Rights—CARE Act Proceedings* (form CARE-112).

## 11 What is a "supporter"?

You have the right to choose a person to support you throughout the CARE Act process. The CARE Act calls that person a *supporter*. The court may appoint the person you have chosen as your supporter. The supporter's role is to assist you with understanding, communicating, making decisions, and expressing preferences throughout the CARE Act process.

**You have the right to a supporter throughout the CARE Act process.**



<b>What a supporter should do:</b>	<b>What a supporter should not do:</b>
<ul style="list-style-type: none"><li>• Support the will and preferences of the respondent to the best of their ability and to the extent reasonably possible.</li><li>• Respect the values, beliefs, and preferences of the respondent.</li><li>• Act honestly, diligently, and in good faith.</li><li>• Minimize, manage, and disclose to the court, the respondent, and respondent’s counsel any conflicts of interest.</li><li>• Assist in understanding, communicating, making, and implementing the respondent’s informed choices.</li></ul>	<ul style="list-style-type: none"><li>• Act independently of the respondent.</li><li>• Make decisions for, or on behalf of, the respondent, except when necessary to prevent imminent bodily harm or injury.</li><li>• Sign documents on behalf of the respondent.</li></ul>

**The supporter may be present at any of the following:**

- meeting,
- judicial proceeding,
- status review hearing, or
- communication

if those are related to any of the following:

- an evaluation,
- development of a CARE agreement or CARE plan,
- establishing a psychiatric advance directive, or
- development of a graduation plan.

**Note:**

- The supporter may not be subpoenaed or called to testify against the respondent in any proceeding relating to the CARE Act process, and the supporter’s presence at any meeting, proceeding, or communication does not waive the respondent’s right to confidentiality or any privilege.
- A court may remove the supporter because of any conflict of interest with the respondent and will remove the supporter if the conflict cannot be managed in such a way to avoid possible harm to the respondent.
- The supporter is bound by all existing obligations and prohibitions otherwise applicable by law that protect people with disabilities and the elderly from fraud, abuse, neglect, coercion, or mistreatment.



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-100.v26.120722.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS OF:   <div style="text-align: right;">RESPONDENT</div>	
<b>PETITION TO COMMENCE CARE ACT PROCEEDINGS</b>	CASE NUMBER:
For information on completing this form, see <i>Information for Petitioner—About the CARE Act</i> (form CARE-050-INFO).	

1. Petitioner (name):  
 is 18 years of age or older and (check all that apply):
- a.  A person who lives with respondent.
  - b.  A spouse or registered domestic partner, parent, sibling, child, or grandparent of respondent.
  - c.  A person who stands in the place of a parent to respondent.
  - d.  The director\* of a hospital in which respondent is hospitalized.
  - e.  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 respondent; or
    - (2)  In whose institution respondent resides.
  - f.  A licensed behavioral health professional\* who is or has been, within the past 30 days, treating or supervising the treatment of respondent.
  - g.  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 respondent.
  - h.  The public guardian\* or public conservator\* of the county named above.
  - i.  The director\* of the county behavioral health agency of the county named above.
  - j.  The director\* of adult protective services of the county named above.
  - k.  The director\* of a California Indian health services program or a California tribal behavioral health department.
  - l.  A California tribal court judge.\*
  - m.  Respondent.
- \* This person may designate someone else to file the petition on their behalf. If the petitioner is a designee, check this category and put designee's own name in item 1, above.
2. a. Petitioner asks the court to find that respondent (name):  
 is eligible to participate in the CARE Act process and to commence CARE Act proceedings for respondent.
- b. Petitioner's relationship to respondent (specify and describe relationship):
- c.  Petitioner's contacts with respondent (if petitioner is specified in 1d, 1e, 1f, or 1g, specify the number of contacts with respondent and the date of the most recent contact, and describe the nature and outcome of each contact):

CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

3. Respondent lives or was last found at (*give respondent's residence address if known; otherwise, give last known location*):
4. Respondent (*check all that apply*):
- Is a resident of the county named above.
  - Is currently located in the county named above.
  - Is a defendant or respondent in a criminal or civil proceeding pending in the superior court of the county named above.
  - Respondent's county of residence is (*if known and different from the county named above*):
5. Respondent meets each of the following requirements and is eligible to participate in the CARE Act process and receive services and support under a CARE agreement or CARE plan (*provide information below to support each requirement*):
- Respondent is 18 years of age or older.      Date of birth (*if known*): \_\_\_\_\_  
Age in years (*if exact age not known, give approximate age*):
  - Respondent has been diagnosed with a schizophrenia spectrum disorder or another psychotic disorder in the same class, as defined in the current *Diagnostic and Statistical Manual of Mental Disorders*. Diagnosis and additional information are provided
    - on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
    - on separate documents, attached and labeled as Attachment 5b.
    - below.
  - Respondent is currently experiencing a severe mental illness, in that the illness:
    - (1) Is severe in degree and persistent in duration;
    - (2) May cause behavior that interferes substantially with respondent's primary activities of daily living; **and**
    - (3) May result in respondent's inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period.
 Supporting information regarding the severity, duration, and risks of respondent's disorder is provided
    - on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
    - on separate documents, attached and labeled as Attachment 5c.
    - below.
  - Respondent is not currently stabilized in ongoing voluntary treatment. Respondent's current stability and treatment are described
    - on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
    - on separate documents, attached and labeled as Attachment 5d.
    - below.

CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

5. e. At least one of these is true (*complete one or both of the following*):

- (1)  Respondent is unlikely to survive safely in the community without supervision **and** respondent's condition is substantially deteriorating. Reasons that respondent is unlikely to survive safely in the community, the type of supervision respondent would need to survive safely, and the extent to which respondent's physical or mental condition has recently grown worse are described
- on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
- on separate documents, attached and labeled Attachment 5e(1).
- below.

- (2)  Respondent needs services and supports to prevent a relapse or deterioration that would be likely to lead to grave disability or serious harm to respondent or others. The services and supports needed by respondent and the reasons respondent would become gravely disabled or present a risk of harm to self or others are described
- on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
- on separate documents, attached and labeled Attachment 5e(2).
- below.

- f. Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure respondent's recovery and stability. A description of available alternative treatment plans and an explanation why no alternative treatment plan that would be less restrictive of respondent's liberty could ensure respondent's recovery and stability are provided
- on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
- on separate documents, attached and labeled Attachment 5f.
- below.

- g. Respondent is likely to benefit from participation in a CARE plan or CARE agreement. Reasons in support of this assertion are provided
- on *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), attached as Attachment 6a.
- on separate documents, attached and labeled Attachment 5g.
- below.

## 6. Supporting evidence

The evidence described below is attached in support of this petition. (*Attach one or both of the following and check the box next to the description of each document or set of documents attached*).

- a.  A completed *Mental Health Declaration—CARE Act Proceeding* (form CARE-101), the declaration of a licensed behavioral health professional (e.g., a psychiatrist, psychologist, therapist, or counselor) stating that no more than 60 days before this petition was filed, the professional or a person designated by them:
- (1)  Examined respondent and determined that respondent met the diagnostic criteria for eligibility to participate in the CARE Act proceedings; or (*continued on next page*)

CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

6. a. (2)  Made multiple attempts to examine respondent but was not successful in obtaining respondent's cooperation and has reasons, explained with specificity, to believe that respondent meets the diagnostic criteria for eligibility to participate in CARE Act proceedings.

Attach *Mental Health Declaration—CARE Act Proceeding* (form CARE-101) and label it Attachment 6a.

b.  Evidence that respondent was detained for at least two periods of intensive treatment, the most recent period within the past 60 days. Examples of evidence: a copy of the certification of intensive treatment, a declaration from a witness to the intensive treatment, or other documentation indicating involuntary detention and certification for up to 14 days of intensive treatment. (*Attach all supporting documents and label each, in order, Attachment 6b1, 6b2, 6b3, etc.*)

**Note:** For purposes of the CARE Act, "intensive treatment" refers to involuntary treatment authorized by Welfare and Institutions Code section 5250. It does **not** refer to treatment authorized by any other statute, including but not limited to Welfare and Institutions Code sections 5150, 5260, and 5270.15.

**Optional information**

7. Tribal affiliation

a.  Respondent is an enrolled member of a federally recognized Indian tribe.  
Tribe's name and mailing address:

b.  Respondent is receiving services from a California Indian health services program, a California tribal behavioral health department, or a California tribal court.  
Name and mailing address of program, department, or court:

8.  This petition is based on a referral from another court proceeding.

a. Court, department, and judicial officer:

b. Case number:

c. Type of proceeding from which respondent was referred:

- (1)  Misdemeanor competence to stand trial (Penal Code, § 1370.01)
- (2)  Assisted outpatient treatment (Welfare and Institutions Code, §§ 5346–5348)
- (3)  Lanterman-Petris-Short Act conservatorship (Welfare and Institutions Code, §§ 5350–5372)

9. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF ATTORNEY)	▶	(SIGNATURE OF ATTORNEY)
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF PETITIONER)	▶	(SIGNATURE OF PETITIONER)
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ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-101.v10.120622.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS OF:   <div style="text-align: right;">RESPONDENT</div>	
<b>MENTAL HEALTH DECLARATION—CARE ACT PROCEEDINGS</b>	CASE NUMBER:

**TO LICENSED BEHAVIORAL HEALTH PROFESSIONAL**

This form will be used to help the court determine whether respondent meets the diagnostic criteria for CARE Act proceedings.

GENERAL INFORMATION

1. Declarant's name:
2. Office address, telephone number, and email address:
3. **License status** (complete either a or b):
  - a.  I am a licensed mental health professional and conducting the examination described on this form is within the scope of my license. I have a valid California license as a (check one):
    - (1)  physician.
    - (2)  psychologist.
    - (3)  clinical social worker.
    - (4)  marriage and family therapist.
    - (5)  professional clinical counselor.
  - b.  I have been granted a waiver of licensure by the State Department of Health Care Services pursuant to Welfare and Institutions Code section 5751.2 because (check one):
    - (1)  I am employed as a  psychologist  clinical social worker continuing my employment in the same class as of January 1, 1979, in the same program or facility.
    - (2)  I am registered with the licensing board of the State Department of Health Care Services for the purpose of acquiring the experience required for licensure and employed or under contract to provide mental health services as a (check one):
      - (a)  clinical social worker.
      - (b)  marriage and family therapist.
      - (c)  professional clinical counselor.
    - (3)  I am employed or under contract to provide mental health services as a psychologist who is gaining experience required for licensure.

CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

- (4)  I have been recruited for employment from outside this state, and my experience is sufficient to gain admission to a California licensing examination. I am employed or under contract to provide mental health services as a (*check one*):
- (a)  psychologist.
- (b)  clinical social worker.
- (c)  marriage and family therapist.
- (d)  professional clinical counselor.

4. Respondent (*name*):

is  is not a patient under my continuing care and treatment.

#### EXAMINATION OR ATTEMPTS MADE AT EXAMINATION OF RESPONDENT

5. I last saw respondent on (*must be within 60 days of the filing of the CARE Act petition*) (*date*):

- a.  On the date noted above, I examined respondent (*proceed to item 7*).
- b.  On the date noted above, and on several other occasions, I attempted to examine respondent but was unsuccessful due to respondent's lack of cooperation in submitting to an examination.

6. (*Answer only if 5b is checked*) Explain in detail when and how many attempts were made to examine respondent, respondent's response to those attempts, and the outcome of each attempt.

7. Based on the following information, I have reason to believe respondent meets the diagnostic criteria for CARE Act proceedings (*each of the following requirements **must** be met for respondent to qualify for CARE Act proceedings*):

- a. Respondent has been diagnosed with a schizophrenia spectrum disorder or another psychotic disorder in the same class (*indicate the specific disorder respondent has been diagnosed with*):

**Note:** Under Welfare and Institutions Code section 5972, a qualifying psychotic disorder must be primarily psychiatric in nature and not due to a medical condition such as a traumatic brain injury, autism, dementia, or a neurological condition. A person who has a current diagnosis of substance use disorder without also meeting the other statutory criteria, including a diagnosis of schizophrenia spectrum or other psychotic disorder, does not qualify.

- b. Respondent is experiencing a severe mental illness that (*all the following must be completed*):

(1) Is severe in degree and persistent in duration (*explain in detail*):







ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-101.v11.120722.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS OF:	RESPONDENT
<b>ORDER FOR CARE ACT REPORT</b>	CASE NUMBER:

1. The court has read and reviewed *Petition to Commence CARE Act Proceedings* (form CARE-100) filed by petitioner (name):  
 (address):  
 on (date): asking the court to begin CARE Act proceedings for respondent  
 (name):  
 (address, if known):
2. The court has found that *Petition to Commence CARE Act Proceedings* has made a prima facie showing that the respondent is or may be eligible to participate in the CARE Act process.

**The court orders as follows:**

3. The following county agency (name):  
 or its designee must contact and engage the respondent and, no later than (date):  
 file with the court a written report that includes the following information:
  - a. Respondent's county of residence;
  - b. A determination whether respondent meets or is likely to meet the CARE Act eligibility requirements;
  - c. The outcome of the county's efforts to engage respondent during the period before the report deadline above;
  - d. Conclusions and recommendations about respondent's ability to voluntarily engage in services; and
  - e. Other:
4. Before engaging the respondent and preparing the report, the county agency named in item 3 or its designee must use *Notice of Order for CARE Act Report* (form CARE-106) to serve notice of this order on petitioner, respondent, and respondent's counsel. Notice to the respondent must include *Information for Respondents—About the CARE Act* (form CARE-060-INFO).
5. The court has, by separate order, appointed the following attorney to represent the respondent at all stages of these CARE Act proceedings.
  - a. Name:
  - b. Firm name:
  - c. Street Address:
  - d. Mailing address (if different):
  - e. Email address:
  - f. Telephone number:
  - g. Fax number:

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-106.v9.120722.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS OF:   <div style="text-align: right;">RESPONDENT</div>	
<b>NOTICE OF ORDER FOR CARE ACT REPORT</b>	CASE NUMBER:

1. The court named above has ordered a county agency (name): \_\_\_\_\_ or its designee to engage the respondent and, no later than (date): \_\_\_\_\_, file with the court a written report that includes all the following information:
  - a. The respondent's county of residence;
  - b. A determination whether the respondent meets, or is likely to meet, the criteria necessary to participate in the CARE Act process;
  - c. The outcome of efforts made to voluntarily engage the respondent; and
  - d. Conclusions and recommendations about the respondent's ability to voluntarily engage in services.
  
2. The *Order for CARE Act Report* (form CARE-105) issued by the court and, to respondent's copy, *Information for Respondents—About the CARE Act* (form CARE-060-INFO) are attached as required by California Rules of Court, rule 7.2235(a)(2)–(3).
  
3.  The court has granted the county agency additional time to work with, engage, and enroll the respondent in voluntary treatment and services. With the additional time granted, the county agency must submit the report no later than (date): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF COUNTY AGENCY DECLARANT)

  
 \_\_\_\_\_  
 (SIGNATURE OF COUNTY AGENCY DECLARANT)

CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

**PROOF OF SERVICE  
NOTICE OF ORDER FOR CARE ACT REPORT**

1. I am at least 18 years old and not a party to this action. I am a resident or employed in the county where the mailing took place, and my residence or business address is (*specify*):

2. I served *Notice of Order for CARE Act Report* and *Order for CARE Act Report* (form CARE-105) on each person named below, and also served *Information for Respondents—About the CARE Act* (form CARE-060-INFO) on respondent, by enclosing copies in a sealed envelope with postage prepaid and (*check one*):

- a.  depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 3.
- b.  placing the sealed envelope for collection and processing for mailing on the date and at the place shown in item 3, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. Date mailed: \_\_\_\_\_ Place mailed (*city, state*): \_\_\_\_\_

4.  The envelopes were addressed as follows:
- a. Petitioner: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_  
State and zip code: \_\_\_\_\_
  - b. Respondent: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_  
State and zip code: \_\_\_\_\_
  - c. Respondent's counsel: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_  
State and zip code: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-110.v7.120722.cs</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS OF:   RESPONDENT	
<b>NOTICE OF INITIAL APPEARANCE—CARE ACT PROCEEDINGS</b>	CASE NUMBER:

1. The court will hold an initial appearance (a hearing) in the CARE Act proceedings for respondent named above.

<div style="border: 2px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> <b>Hearing Date</b> </div>	→ Date:	Time:	Name and address of court, if different from above:
	Dept.:	Room:	

2. The court has appointed an attorney to represent the respondent in the CARE Act proceedings. The name and contact information of the appointed attorney is:

Name:  
 (Mailing) Address:  
 Phone:  
 Email:

3. A copy of *Petition to Commence CARE Act Proceedings* (CARE-100), *Notice of Respondent's Rights—CARE Act Proceedings* (form CARE-112), *Information for Respondents—About the CARE Act* (form CARE-060-INFO)  and the report ordered under Welfare and Institutions Code section 5977(a)(3)  are included with this form.

4. Number of pages attached \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF COUNTY BEHAVIORAL HEALTH DIRECTOR OR DESIGNEE)

\_\_\_\_\_  
 (SIGNATURE OF COUNTY BEHAVIORAL HEALTH DIRECTOR OR DESIGNEE)

	<p><b>Requests for Accommodations</b></p> <p>Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to <a href="http://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a> for <i>Request for Accommodations by Persons With Disabilities and Response</i> (<a href="#">form MC-410</a>). (Civ. Code, § 54.8.)</p>
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CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

**PROOF OF PERSONAL SERVICE OF  
NOTICE OF INITIAL APPEARANCE—CARE ACT PROCEEDINGS**

1. I am at least 18 years old and not a party to this action.
2. I served a copy of the foregoing *Notice of Initial Appearance* by personally delivering a copy as follows:
  - a. Respondent (*name*):
  - b. Address (*specify location*):
  - c. On (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
3.  I personally delivered with *Notice of Initial Appearance* a copy of *Petition to Commence CARE Act Proceedings* (CARE-100), *Notice of Respondent's Rights—CARE Act Proceedings* (form CARE-112), *Information for Respondents—About the CARE Act* (form CARE-060-INFO)  and the report ordered under Welfare and Institutions Code section 5977(a)(3).
4. My name, address, telephone number, and, if applicable, county of registration and number, are (*specify*):
  
5. I am (*check all that apply*):
  - a.  not a registered California process server.
  - b.  a registered California process server.
  - c.  a California sheriff or marshal.
  - d.  an employee or independent contractor of a registered California process server.
  - e.  exempt from registration (Bus. & Prof. Code, § 22350(b)).
6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7.  I am a California sheriff or marshal and I certify the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-112.v6.120722.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS OF:  <div style="text-align: right;">RESPONDENT</div>		
<b>NOTICE OF RESPONDENT'S RIGHTS—CARE ACT PROCEEDINGS</b>		CASE NUMBER:

A petition to begin CARE Act proceedings for you has been filed. You have been appointed an attorney, free of charge. Your court-appointed attorney will be contacting you about these proceedings. You may also retain an attorney of your choosing to represent you instead of the appointed attorney. If you choose your own attorney, you are responsible for their fees. A person who, like you, is the subject of a CARE Act petition is called the respondent.

### THE CARE ACT RESPONDENT'S RIGHTS

Each respondent has all the following rights.

**During the CARE Act proceedings, the respondent has a right to:**

- Be informed of the proceedings;
- Receive notice of each hearing;
- Be present and personally participate at each hearing;
- Be represented by counsel at all stages of the proceedings, regardless of ability to pay;
- Receive a copy of the petition;
- Receive a copy of the court-ordered evaluation and court-ordered report;
- Have a supporter be present with them and assist them, as explained below;
- Present evidence;
- Call witnesses;
- Cross-examine witnesses;
- Appeal decisions; and
- Keep confidential all evaluations, reports, documents, and filings submitted to the court for CARE Act proceedings.

**CARE Act hearings are closed to the public, unless the court orders otherwise (see below). However, the respondent has a right to:**

- Demand that the hearing be public and be held in a place suitable for attendance by the public;
- Request the presence of any family member or friend, including a supporter, without waiving the right to keep the hearing closed to the rest of the public; and
- Be informed by the judge of these rights before each hearing begins.

**Note:** The court may grant a request by any other party to the proceeding to make a hearing public if the judge conducting the hearing finds that the public interest in an open hearing clearly outweighs the respondent's interest in privacy.

**The respondent has a right to a supporter throughout the CARE Act process.**

The supporter's role is to assist the respondent with understanding, communicating, and making decisions and expressing preferences throughout the CARE Act process. For more information, see *Information for Respondents—About the CARE Act* (form CARE-060-INFO).

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-115.v5.120722.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS OF:		RESPONDENT
NOTICE OF HEARING—CARE ACT PROCEEDINGS		CASE NUMBER:

1. The court will hold a hearing in this matter as follows:

<div style="border: 1px solid black; border-radius: 50%; padding: 5px; width: 40px; margin: 0 auto;"> <b>Hearing Date</b> </div>	→ Date:	Time:	Name and address of court, if different from above:
	Dept.:	Room:	

2. The hearing is (check all that apply):

- |  |   |
|--|---|
| a. <input type="checkbox"/> A hearing on the merits of the petition. | e. <input type="checkbox"/> A progress/status review hearing. |
| b. <input type="checkbox"/> A case management hearing.               | f. <input type="checkbox"/> A one-year status review hearing. |
| c. <input type="checkbox"/> A clinical evaluation review hearing.    | g. <input type="checkbox"/> A graduation hearing.             |
| d. <input type="checkbox"/> A CARE plan review hearing.              | h. <input type="checkbox"/> Other hearing (indicate type):    |

3.  In advance of this hearing,  the county behavioral health agency  the respondent  another party or person (name):  
 has filed a (give exact title of filing):

A copy of the filing is attached to this notice.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶

\_\_\_\_\_

(SIGNATURE OF PERSON COMPLETING THIS FORM)

**Requests for Accommodations**  
 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)



CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

**PROOF OF SERVICE BY MAIL**

1. I am at least 18 years old and not a party to this action. I am a resident or employed in the county where the mailing took place, and my business address is *(specify)*:
  
2. I served this document on each person named below by enclosing a copy in a sealed envelope addressed as shown below with postage fully prepaid and *(check one)*:
  - a.  depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 3.
  - b.  placing the sealed envelope for collection and processing for mailing on the date and at the place shown in item 3, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
  
3. Date mailed: \_\_\_\_\_ Place mailed *(city, state)*: \_\_\_\_\_
  
4.  I served with this document a copy of each document named in item 3 on page 1.
  
5. The envelopes were addressed as follows:
  - a. Petitioner: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State and zip code: \_\_\_\_\_
  - b. Respondent: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State and zip code: \_\_\_\_\_
  - c. Respondent's counsel: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State and zip code: \_\_\_\_\_
  - d.  County behavioral health agency: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State and zip code: \_\_\_\_\_
  - e.  Other: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State and zip code: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶  
\_\_\_\_\_  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE:                      ZIP CODE: TELEPHONE NO.:                      FAX NO.: EMAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>CARE-120.v9.120722.cs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS OF:   <div style="text-align: right;">RESPONDENT</div>	
<b>REQUEST FOR NEW ORDER <input type="checkbox"/> AND HEARING— CARE ACT PROCEEDINGS</b>	CASE NUMBER:

1. I am  the respondent  the director of a county behavioral health agency or the director's designee  other (*specify*):
2. I am asking the court to make the following order (*a description of the requested order is given*  below  on an attached sheet of paper labeled Attachment 2):
3. I am requesting this order because:
- a.  Circumstances have changed, and the changes require a change to a previous court order (*a description of what has changed is provided*  below  on an attached sheet of paper labeled Attachment 3a):
- b.  A party has not complied with a previous order (*a description of what the party has or has not done is given*  below  on an attached sheet of paper labeled Attachment 3b):

	<b>Requests for Accommodations</b> Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to <a href="http://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a> for <i>Request for Accommodations by Persons With Disabilities and Response</i> ( <a href="#">form MC-410</a> ). (Civ. Code, § 54.8.)
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CARE ACT PROCEEDINGS OF:	CASE NUMBER:
RESPONDENT	

c.  Other (the reason for the request is given  below  on an attached sheet of paper labeled Attachment 3c):

4. The court should make the order requested in 2 because (reasons for the requested order are given  below  on an attached sheet of paper labeled Attachment 4):


5.  I would like the court to hold a hearing to consider my request (reasons for the court to hold a hearing are given  below  on an attached sheet of paper labeled Attachment 5):

6. Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(NAME OF PARTY OR ATTORNEY FOR PARTY)



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(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)