



CARE Court

FREQUENTLY ASKED QUESTIONS

Q: What is CARE Court?

A: CARE Court has been newly created by the Community Assistance, Recovery, and Empowerment (CARE) Act. Care Court helps people with untreated Schizophrenia Spectrum and other Psychotic Disorders. The CARE Act lets certain adults (called "Petitioners") who are close to someone with qualifying untreated disorders (called a "Respondent" or "Participant") file a request to have that person join this new court system.

Q: What happens in CARE Court?

A: In CARE Court, participants get a free lawyer assigned by the Court. They work with this lawyer and a supporter they choose. Together with the San Francisco Department of Public Health (SFDPH), they create a personalized plan (CARE Agreement or CARE Plan) that suits their specific needs and goals, like treatment or housing. CARE Court has several hearings to develop and review this plan, making changes when needed to help the participants. The judge and everyone involved work together to ensure that the participants succeed. CARE Court matters will be heard on Mondays at 575 Polk Street, San Francisco, CA 94102.

Have questions about the meaning of words used on CARE Court forms?

You can check the "[CARE Court Glossary](#)" on the ACCESS Center's website for a list of words and their meanings. For additional information, you may also contact the [ACCESS Center](#).

Q: Who can file a CARE Court Petition?

A: A CARE Petition must be filed by an adult who has a close relationship with the person whom they want to refer to CARE Court. This relationship could be because they live together, are married or in a domestic partnership, are family members (like parents, siblings, children, or grandparents), or someone who takes on a parental role. The person who needs help may also file a CARE Petition on their own behalf.

Q: Other than the Petitioner and Respondent, who else can be a party and/or file a CARE Court Petition?

A: In CARE Court, the County Behavioral Health Agency (County Agency) may start a case by filing the CARE Petition. The San Francisco Department of Public Health (SFDPH) is the County Agency in San Francisco. After a case begins, the County Agency will replace the "original petitioner" and will become the assigned Petitioner in the case. There might also be other parties in the case who are local government entities providing services as part of the CARE Plan.



Q: Does someone already have to be diagnosed with Schizophrenia to be eligible for CARE Court? What can CARE Court do to assist individuals with Serious Mental Illness (SMI) other than Schizophrenia Spectrum and other Psychotic Disorders?

A: To participate in CARE Court, one must have a current diagnosis of Schizophrenia Spectrum or other Psychotic Disorder. Individuals with Serious Mental Illness (SMI) who do not fall under the Schizophrenia Spectrum may not receive services through CARE Court. Inquire with the ACCESS Center for community referrals and resources for additional information on other treatment options.

Q: What mental health conditions are eligible for CARE Court?

A: A person may be eligible to participate in CARE Court if they are diagnosed with:

- Schizophrenia
- Schizoaffective Disorder
- Schizophreniform Disorder
- Brief Psychotic Disorder
- Delusional Disorder
- Schizotypal Personality Disorder
- Catatonia associated with another mental disorder
- Unspecified Catatonia
- Other specified or unspecified Schizophrenia Spectrum and other Psychotic Disorders

Q: What mental health conditions are *not* eligible for CARE Court?

A: To be eligible for CARE Court, a person needs to have one of the specific diagnoses mentioned above. If their condition is not on that list, they do not qualify for CARE Court. Some examples of conditions that *do not* qualify include psychosis due to Traumatic Brain Injury, Autism, Dementia, or other conditions, as well as Catatonia related to a medical condition, major Depression or Bi-polar Disorder with psychotic features, and substance use disorders. Additionally, there are other requirements listed in items 1 through 6 on the CARE-100 Form for eligibility.

Q: How do I refer someone to CARE Court?

A: A case starts when a "Petition Packet" is filed at the Civic Center Courthouse, 400 McAllister Street, San Francisco, Civil Clerk's Office in Room 103, Window 27. This packet includes the Petition form (CARE-100) and either the CARE-101 form or other supporting evidence. For more information about the filing process and what is required under the CARE Act, contact the [ACCESS Center](#).



Q: I filed a Petition for someone to participate in the CARE Process. What are my rights?

A: As the Petitioner, you have certain rights, including:

The right to file a new Petition if your first one was dismissed, and there have been change in circumstances since the original filing.

If you live with, are a qualifying family member of, or act as a parental figure for the person:

- You can participate in the hearing on the petition's merits.
- The Court may provide you with ongoing notice rights for future hearings.
- If the Respondent agrees, the Court may allow you to participate in the rest of the CARE Court Process.

If you do not live with, are not a qualifying family member of, or do not act as a parental figure for the person:

- You can only make a statement during the hearing on the petition's merits.
- The Court will not assign you with ongoing rights for future hearings in the process.

You can find more details about your rights as a Petitioner in the CARE-050-INFO form. For information on the rights of Respondents in CARE Court, you can refer to the CARE-060-INFO Form or the CARE-113 form.

Q: Someone filed a Petition for me to participate in the CARE Process. What are my rights as a Respondent?

A: As a Respondent in CARE Court, you have important rights, such as:

- Knowing about the proceedings and getting notice for each hearing.
- Choosing to attend or not attend hearings.
- Participating in hearings yourself.
- Having a free attorney appointed to represent you.
- Receiving copies of the Petition and any reports.
- Choosing a "Supporter" to help you.
- Presenting evidence, calling witnesses, and questioning them.
- The right to appeal decisions.
- Keeping your health-related information confidential.
- Deciding whether the person who brought you to CARE Court can participate in hearings.
- Having hearings be private by default, but you can make them public if you want.
- Inviting family or friends to hearings while keeping hearings private.
- Being informed by the judge about these rights before a hearing starts.

Remember, others can request to make hearings public, but the Court will weigh your privacy rights against the public interest in making that decision. You can learn more about these rights from the CARE-060-INFO Form or the CARE-113 form, and you can also get advice from your court-appointed attorney.



Q: I am a Respondent in CARE Court. How do I know who my court-appointed attorney is? What is the process for being appointed counsel?

A: If the Court believes that you meet or might meet the requirements for the CARE Process, they will appoint an attorney for you, and it will not cost you anything. You do not need to prove your financial situation. This attorney will get in touch with you at the start of the proceedings. The timing of when this attorney is assigned may vary based on factors like who filed the petition and whether the Court orders the County Behavioral Health Agency to engage with you first and to file a report (CARE-105 form), or if it is during the scheduling of the initial appearance (CARE-110 form). You can find your attorney's name and contact details on these forms.

As the Respondent, you also have the right to replace your court-appointed attorney with one of your choice, but you will need to pay for the attorney that you hire.

Q: I am a Respondent in CARE Court and a member of a tribe or Native Nation. What rights do I have?

A: If you belong to a federally recognized tribe or get services from a California Indian health program, tribal court, or tribal organization, you can decide to have a representative from one of these groups with you at the initial appearance and case management hearing.

Q: I am a Supporter for a Respondent in CARE Court. What can I do to help the Respondent?

A: The role of the Supporter for a Respondent is very important. Your responsibilities include assisting the Respondent in expressing their goals and preferences during the CARE process. If the Respondent agrees, you can attend meetings, court proceedings, hearings, or any communication related to their evaluation or the development of a CARE Agreement, CARE Plan, psychiatric advance directive, or graduation plan. It is crucial to respect and support the Respondent's values, beliefs, and preferences.

However, unless you have specific legal authorization, you cannot sign documents or make decisions on the Respondent's behalf, except when it is necessary to prevent harm.

Q: How long does a case in CARE Court take?

A: An individual may have a court-ordered CARE Plan for one year. At the one-year mark, CARE Court may be extended for an additional 12 months. The length of participation in CARE Court depends on various factors and may include:

- Being found eligible and appropriate for the CARE Process by the Court.
- The San Francisco Department of Public Health is able to engage the Respondent.



- The individual opts to voluntarily engage in treatment.
- The criteria to graduate from CARE Court after 12 months are met.
- The Court extends the CARE Plan as further treatment is deemed indicated.
- The Court elects to end a participant's participation in the CARE Process.

Q: What can be included as a part of a CARE Agreement or CARE Plan?

A: The CARE Agreement or CARE Plan can include mental health services, housing support, necessary medications, and social services from state-funded programs such as SSI/SSP, CalWORKs, or CalFresh. The Court can also issue other orders to help the Respondent access these services and support.

Q: What is CARE Court able to do and not do for participants?

- **A:** The Court may ask the County Behavioral Health Agency to talk to the person about getting treatment voluntarily.
- The Court might require a clinical evaluation and a written report from the County Behavioral Health Agency.
- A CARE Plan can be ordered, which could include services like therapy, medication, housing help, or social services.
- If the person is unable to give consent for necessary medication, the Court can order it.
- The Court can extend the CARE Plan for another 12 months.
- At any point, the Court can decide to end the person's participation in the CARE Process.
- **✓ In CARE Court:**
 - The Court may move the case to the county where the participant lives, if the individual agrees.
 - If a participant does not elect to receive services in their home county, the Court is able to order a CARE Plan in the county of filing.
 - The Court is also able to proceed with the case in the county where a participant is found.
- **X But In CARE Court:**
 - The Court may not make a participant take medication against their will, nor force others to administer medication.
 - The Court cannot punish a participant for not taking medication nor may it be ordered for maintenance. Medication may be recommended for stabilization, though not forced.

Q: I am a Petitioner or Respondent in CARE Court. What if I do not speak English?

A: If you need a court interpreter, you can give your case number to a clerk at the Civic Center Courthouse, 400 McAllister Street, San Francisco, Civil Clerk's Office in Room 103, Window 27. You can also fill out the INT-300 form to request one. The ACCESS Center can help you if you are not sure how to ask for a court interpreter.



Q: I am a Petitioner or Respondent in CARE Court. What if I have a disability and need accommodations?

A: You may use the MC-410 form to make your accommodation request and refer to the MC-410-INFO form for more information on this process. You may also inquire at the Civic Center Courthouse, 400 McAllister Street, San Francisco, Administrative Offices in Room 205 to Request ADA Accommodations.

Q: Does CARE Court guarantee housing?

A: Care Court does not guarantee housing. Having a stable place to live is essential for people to recover and stay on the right track with their treatment. The stress of not having a stable home can make it very tough to get better. CARE Plans will include a housing strategy that suits the different housing needs of CARE Court participants. This plan can involve various options, like temporary housing with extra help, care facilities for adults and seniors, supportive housing, or staying with family and friends. Additionally, court-ordered CARE Plans can help participants get priority access to suitable temporary housing funded by the state's Behavioral Health Bridge Housing Program.

Q: Can CARE Court send someone to jail?

A: CARE Court is not a criminal court. It does not punish people. The Court does not issue orders related to bench warrants, jail, prison, or locked facilities. In CARE Court, a Respondent is not forced to take medication, and they cannot be penalized for not following a medication order or failing to attend a hearing.

