

# THE CARE ACT: SAN FRANCISCO'S IMPLEMENTATION

Presented by  
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

# SB 1338 – THE CARE ACT

## COMMUNITY ASSISTANCE, RECOVERY, AND EMPOWERMENT ACT

## Exhibit B

- San Francisco was one of seven California counties to pilot CARE Court on October 2, 2023
- ALL California counties must have an operational CARE Court by no later than December 31, 2024
- CARE Court is a Civil Court, NOT a Criminal Court

# OBJECTIVE OF CARE COURT

Engage individuals with  
Schizophrenia and other  
Psychotic Disorders in treatment

# WHO IS ELIGIBLE FOR CARE COURT?

- \* ADULTS 18 AND OVER
- \* DIAGNOSIS OF SCHIZOPHRENIA SPECTRUM OR OTHER PSYCHOTIC DISORDERS
- \* NOT CLINICALLY STABLE IN ON-GOING VOLUNTARY TREATMENT

Exhibit B

AND... ONE OF THE FOLLOWING IS TRUE:

A. UNLIKELY TO SURVIVE SAFELY WITHOUT SUPERVISION AND SUBSTANTIALLY DETERIORATING

OR

B. IN NEED OF SERVICES TO PREVENT GRAVE DISABILITY OR SERIOUS HARM TO THEMSELVES OR OTHERS

## CARE COURT IS NOT:

- \* A CONSERVATORSHIP
- \* A CRIMINAL COURT

## CARE COURT IS:

- \* VOLUNTARY AND NON-PUNITIVE

# HOW IS CARE COURT DIFFERENT FROM PRIOR APPROACHES?

\* NO LOCKED FACILITIES OR FORCED MEDICATIONS

\* MAY BE INITIATED BY FAMILY MEMBERS, ROOMMATES, FIRST RESPONDERS, AND OTHERS



# CARE Court, AOT, & Conservatorship

	CARE Court	AOT	Conservatorship
Accepts referrals from hospital facilities	X	X	X
Accepts referrals from first responders	X		
Accepts referrals from family	X	X	
Accepts referrals from behavioral health providers	X	X	
Involuntary treatment			X
Requires grave disability criteria			X
Involuntary medication			X
Court ordered treatment	X	X	
Requires prior negative outcomes		X	
Allows for Respondent-identified Supporter to assist in the process	X		

# CARE COURT PARTNERS IN SAN FRANCISCO

EVERY CARE COURT PARTICIPANT HAS A CARE SUPPORTER OF THEIR CHOICE.

IF THE PARTICIPANT IS UNABLE OR DOES NOT WANT TO NAME A SUPPORTER, THE MENTAL HEALTH ASSOCIATION OF SAN FRANCISCO WILL SERVE IN THAT ROLE.

EVERY PARTICIPANT HAS LEGAL  
REPRESENTATION.  
IN SAN FRANCISCO, ATTORNEYS FOR  
THE PARTICIPANT WORK FOR  
THE HOMELESS OUTREACH PROGRAM,  
LEGAL ASSISTANCE TO THE ELDERLY  
OR  
THE OFFICE OF THE PUBLIC DEFENDER

THE **SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH** ASSESSES AND OUTREACHES THE POTENTIAL PARTICIPANT.

THE **SAN FRANCISCO CITY ATTORNEY** REPRESENTS THE DEPARTMENT OF PUBLIC HEALTH, SHOULD A CARE PETITION BE FILED.

**SAN FRANCISCO PRETRIAL**  
PROVIDES SAME-DAY HOTEL ROOMS  
TO POTENTIAL PARTICIPANTS AND  
ACTIVE PARTICIPANTS SHOULD  
THEY WANT TO BE INDOORS OR ARE  
WAITING FOR A TREATMENT  
PROGRAM.

## Exhibit B

IN ADDITION TO BEING IN THE ROLE OF SUPPORTER, THE MENTAL HEALTH ASSOCIATION OF SAN FRANCISCO PROVIDES PEER NAVIGATION TO CARE PARTICIPANTS AND POTENTIAL PARTICIPANTS. SUPPORT FROM MHASF MAY INCLUDE FOOD, CLOTHING, COMPANY, TRANSPORTATION, CLEANING SUPPLIES ETC.

UCSF/CITYWIDE CASE MANAGEMENT PROVIDES PSYCHIATRY AND CASE MANAGEMENT TO PARTICIPANTS. ONCE A PARTICIPANT AGREES TO A CARE AGREEMENT, THEY ARE ABLE TO BEGIN SERVICES WITH UCSF/CITYWIDE.



## Exhibit B

THE SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN FRANCISCO IS WHERE  
PETITIONS FOR CARE ARE FILED AND  
WHERE CASES ARE FOLLOWED.

CARE COURT CAN INITIALLY LAST ONE  
YEAR, WITH AN OPTION TO ADD A  
SECOND YEAR.

# CARE COURT DISCUSSION ITEMS

- \* COERCION VS. VOLUNTARY
- \* WHAT HAPPENS IF INELIGIBLE?
- \* IS THIS A PATHWAY TO CONSERVATORSHIP... OR A PATHWAY BACK FROM CONSERVATORSHIP?
- \* IF CARE COURT IS CIVIL AND NOT CRIMINAL, WHY IS IT UNDER THE COLLABORATIVE COURTS UMBRELLA IN SAN FRANCISCO?