

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: January 29, 2024

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Council File No. 23-0447
Council District: All

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Reference: C.F. 23-0447

Subject: **COMMUNITY ASSISTANCE, RECOVERY, AND EMPOWERMENT (CARE)
COURT**

RECOMMENDATION

Note and file inasmuch as no action is requested at this time.

SUMMARY

On June 7, 2023, the Council adopted a Housing and Homelessness Committee report instructing the City Administrative Officer (CAO) to investigate the City's immediate and long-term role in the CARE Court Program.

Los Angeles County identified the Department of Mental Health (DMH) as the lead agency for implementation and launched its CARE Court Program on December 1, 2023. Los Angeles County volunteered to implement their program earlier than the mandated date of December 1, 2024. Glenn, Orange, Riverside, San Diego, Stanislaus, Tuolumne counties and the City and County of San Francisco also began their programs early, starting in October 2023. The remaining 51 counties must implement the program by December 2024.

The CARE Court Program will allow for the following:

- Expanding who can initiate the civil court proceeding to place an individual into long term mental health treatment (adding parents and other family members, roommates, and directors of non-profit organizations in which the individual resides).
- Initiating a supervised although less restrictive community mental health approach to address the individuals' needs instead of opting for involuntary treatment as the first choice.
- The individual has up to two years to comply with the CARE Plan before conservatorship instead of first opting for punitive involuntary commitments that are inconsistently

increased with longer stays in mental health facilities often with mixed results.

- The person who initiated the civil case, along with other members of the individual's support team can participate in the CARE Plan.
- A holistic approach is now required to address not only mental health concerns, but housing needs as well.

BACKGROUND

On September 14, 2022, California Governor Gavin Newsom signed Senate Bill 1338, Community Assistance, Recovery, and Empowerment (CARE) Court Program, commonly referred to as the CARE Court program. The bill "*authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services...to adults who are currently experiencing a severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria.*"

On May 3, 2023, DMH released an implementation memo detailing steps to be undertaken to begin a "soft launch" of the CARE Court on December 1, 2023. These steps included expanding the County's electronic health record system, hiring a housing consultant, developing a public information campaign to engage community members and stakeholders and two phases of hiring.

On September 11, 2023, DMH submitted a report back to the Los Angeles County Board of Supervisors (Board) detailing the progress towards implementation. A master agreement was modified in September to add features to the existing electronic health record system to allow for tracking and documentation of court cases in relation to clinical processes. The County Emergency Declaration on Homelessness allowed for a sole source contract to hire a media consulting firm and internally hire a new DMH Director of Communications. DMH has ramped up hiring including the use of emergency appointments. Should there be an inadequate number of staff in December DMH will divert existing staff from their Re-Entry Division to the CARE Court program. Having met these goals DMH launched CARE Court on December 1, 2023.

CARE COURT PROGRAM DESCRIPTION

Prior to CARE Court, people who had suffered a major psychiatric event in which they were deemed a danger to themselves or others could be committed to a psychiatric facility for three days. After the three days expire a licensed professional could extend that stay by seven days, then fourteen days and up to one month and eventually one year. The new Community Assistance, Recovery, and Empowerment (CARE) Court Program provides procedures for people (referred to as the respondent) experiencing unaddressed severe and persistent psychiatric disabilities to enter mental health services without having to be placed on a psychiatric hold by initiating a civil court case. The CARE Court Program requires that a public defender is appointed to the respondent and that the identified lead mental health agency (DMH)

provide mental health services to protect the respondents' rights. With the passage of this bill, people who otherwise are unable to care for themselves can be referred for mental health services and complete their treatment plans under close supervision.

Specified adult persons (as mentioned in the bill) who can initiate the civil court proceeding expanded to include a person with whom the respondent resides, a spouse, parent, sibling, child, grandparent, or the respondent themselves (self petition). In addition first responders, licensed behavioral health professionals, directors of behavioral health facilities and legal and public guardians can also initiate the civil court proceeding. The civil proceeding will result in a one year commitment to a CARE Plan which requires the respondent to participate in mental health services and a court review every sixty days. The intent of the CARE plan is to intervene early and will only be implemented when in the respondent's best interest as determined by a judge. At the end of one year, the respondent will graduate from CARE Court signifying their completion of each stage of their care plan. In instances of non-completion of the CARE Plan, an extension of another year is available. If non-completion continues past two years, the respondent is then referred for conservatorship.

In 2020, the Los Angeles Homeless Services Agency (LAHSA) reported that 25% of the County's homeless population is diagnosed with schizophrenia or another psychotic disorder, which fits the criteria identified in the CARE Court Bill. Simply having such a diagnosis does not result in a CARE Court commitment - the respondent must be proven to be in severe mental distress. Currently, people experiencing homelessness with severe mental health disorders can be held 72 hours at psychiatric facilities, but are released after three days if they are deemed not to be a danger to themselves or others. The CARE Court Program eliminates the need for a psychiatric hold to enter and receive services from DMH. In fact the program is designed for individuals who are unable to care for themselves and are not engaged in voluntary psychiatric services. CARE Court will initiate a civil process that may or may not result in an inpatient commitment depending upon the needs of the individual respondent. The goal of the program is to engage individuals early so that they do not have to cycle through various mental health facilities or even jail. Furthermore by adhering to the treatment plans required by CARE Court many individuals can remain with family, friends or maintain their independent living environments, and avoid homelessness.

STAKEHOLDER ENGAGEMENT

As the lead agency providing mental health services, DMH has held several meetings, beginning in March 2023, with the relevant County of Los Angeles agencies including the Department of Health Services, Aging and Disabilities, Public Defender and Alternate Public Defender, County Counsel, Department of Public Health-Substance Abuse, Prevention and Control, Department of Public Social Services, Los Angeles County Development Authority, and the Los Angeles County Chief Executive Office to ensure a successful implementation of the CARE Court program. In addition, representatives of the Los Angeles County Superior Court are engaged on a continuous basis, as County agencies prepare for the December launch. The County also

attends 1st County Cohort meetings hosted by the California Behavioral Health Directors Association (CBHDA) and California Association of Chief Executives (CACE). The 1st County Cohort is composed of representatives from the counties that are implementing the CARE Court program early.

FUNDING FOR CARE COURT

The State has approved approximately \$321 million to support the CARE Court Program in Los Angeles County. The County has submitted the necessary reports and is continuing to work with the state to facilitate the funds transfer. The CARE Plan services will be supported by the existing \$10 billion of annual state funding for behavioral healthcare, and the governor has proposed \$1.5 billion for behavioral health bridge housing. The lead county mental health agencies are responsible for Medi-Cal Specialty Mental Health Services, Substance Use Disorder (SUD) treatment, and community mental health services. Costs for the Court, the Public Defender, the new CARE Supporter program, and state oversight will require new funding. The state will send a technical announcement to counties with instructions on data reporting in order to assess how much new funding will be needed.

FISCAL IMPACT STATEMENT

There is no impact to the General Fund at this time as a result of the recommendations in this report.

FINANCIAL POLICIES STATEMENT

The recommendations in this report comply with the City's Financial Policies.