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Code:  Section:

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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987]** (*Division 5 repealed and added by Stats. 1967, Ch. 1667.*)

**PART 8. The Community Assistance, Recovery, and Empowerment Act [5970 - 5987]** (*Part 8 added by Stats. 2022, Ch. 319, Sec. 7.*)

**CHAPTER 1. General Provisions [5970 - 5971]** (*Chapter 1 added by Stats. 2022, Ch. 319, Sec. 7.*)

**5970.** This part shall be known, and may be cited, as the Community Assistance, Recovery, and Empowerment (CARE) Act.  
(*Amended by Stats. 2023, Ch. 283, Sec. 2. (SB 35) Effective September 30, 2023. Section conditionally operative as provided in Section 5970.5.*)

**5970.5.** This part shall be implemented as follows, with technical assistance and continuous quality improvement, pursuant to Section 5983:

- (a) A first cohort of counties, which shall include the Counties of Glenn, Orange, Riverside, San Diego, Stanislaus, and Tuolumne, and the City and County of San Francisco, shall begin no later than October 1, 2023, unless the county is provided additional time pursuant to paragraph (2) of subdivision (c).
- (b) A second cohort of counties, representing the remaining population of the state, shall begin no later than December 1, 2024, unless the county is provided additional time pursuant to paragraph (2) of subdivision (c).
- (c) (1) The department shall issue guidelines under which counties can apply for, and be provided, additional time to implement this part. The guidelines shall not be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
- (2) The department shall approve implementation delay for the first or second cohort if the county experiences a state or local emergency and the delay of the provision of the CARE process is necessary as a result of the emergency.
- (3) The department shall only grant one extension per county and the final date for counties to implement under any circumstances shall be December 1, 2025.

(d) This part shall become operative only upon the department, in consultation with county stakeholders, developing a CARE Act allocation to provide state financial assistance to counties to implement the care process in this act.

(*Amended by Stats. 2023, Ch. 283, Sec. 3. (SB 35) Effective September 30, 2023.*)

**5971.** Unless the context otherwise requires, the following definitions shall govern the construction of this part.

- (a) "CARE agreement" means a voluntary settlement agreement entered into by the parties. A CARE agreement includes the same elements as a CARE plan to support the respondent in accessing community-based services and supports.
- (b) "CARE plan" means an individualized, appropriate range of community-based services and supports, as set forth in this part, which include clinically appropriate behavioral health care and stabilization medications, housing, and other supportive services, as appropriate, pursuant to Section 5982.
- (c) "CARE process" means the court and related proceedings to implement the CARE Act.
- (d) "Counsel" means the attorney representing the respondent, appointed pursuant to Section 5977, or chosen by the respondent, in CARE Act proceedings and matters related to CARE agreements and CARE plans. Representation of a respondent in these matters does not alter counsel's obligations under the State Bar Act and the Rules of Professional Conduct, including subdivision (e) of Section 6068 of the Business and Professions Code and rule 1.6 of the Rules of Professional Conduct.
- (e) "County behavioral health agency" means the local director of mental health services described in Section 5607, the local behavioral health director, or both as applicable, or their designee.

(f) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Section 5977.1.

(g) "Department" means the State Department of Health Care Services.

(h) "Graduation plan" means a voluntary agreement entered into by the parties at the end of the CARE program that includes a strategy to support a successful transition out of court jurisdiction and that may include a psychiatric advance directive. A graduation plan includes the same elements as a CARE plan to support the respondent in accessing community-based services and supports. The graduation plan shall not place additional requirements on the local government entities and is not enforceable by the court.

(i) "Homeless outreach worker" means a person who engages people experiencing homelessness to assess for unmet needs, offer information, services, or other assistance, or provide care coordination.

(j) "Indian health care provider" means a health care program operated by the Indian Health Service, an Indian tribe, a tribal organization, or urban Indian organization (I/T/U) as those terms are defined in Section 4 of the Indian Health Care Improvement Act (25 U.S.C. Sec. 1603).

(k) "Legal proceeding" means any administrative, civil, or criminal proceeding, including, but not limited to, juvenile court proceedings and family court proceedings and services, and any form of alternative dispute resolution, including arbitration and mediation, except for the following:

(1) A proceeding under this part.

(2) A proceeding under the Lanterman-Petris-Short Act described in paragraph (2) or (3) of subdivision (a) of Section 5979.

(3) A proceeding from which the respondent was referred to CARE Act proceedings as described in Section 5978.

(4) A disciplinary proceeding under Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code.

(5) An appeal from any of the proceedings identified in paragraphs (1) through (4), inclusive.

(l) "Licensed behavioral health professional" means either of the following:

(1) A licensed mental health professional, as defined in subdivision (j) of Section 4096.

(2) A person who has been granted a waiver of licensure requirements by the department pursuant to Section 5751.2.

(m) "Parties" means the petitioner, the respondent, the county behavioral health agency in the county where proceedings under this part are pending, and any local governmental entity added by the court pursuant to paragraph (4) of subdivision (d) of Section 5977.1.

(n) "Petitioner" means the person who files the CARE Act petition with the court. Additionally, if the petitioner is a person listed in Section 5974 other than the director of a county behavioral health agency, or their designee, the petitioner shall have the right to file a petition with the court, but at the initial hearing the court shall substitute the director of a county behavioral health agency, or their designee, of the county in which the proceedings are filed as petitioner. The original petitioner may, at the court's discretion and in furtherance of the interests of the respondent, retain rights as described in subparagraph (A) of paragraph (6) of subdivision (b) of Section 5977.

(o) "Psychiatric advance directive" means a legal document, executed on a voluntary basis in accordance with the requirements for advance health care directives in Division 4.7 (commencing with Section 4600) of the Probate Code, by a person who has the capacity to make medical decisions, that allows a person with mental illness to protect their autonomy and ability to direct their own care by documenting their preferences for treatment in advance of a mental health crisis.

(p) "Respondent" means the person who is the subject of the petition for the CARE process.

(q) "Stabilization medications" means medications included in the CARE plan that primarily consist of antipsychotic medications to reduce symptoms of hallucinations, delusions, and disorganized thinking. Stabilization medications may be administered as long-acting injections if clinically indicated. Stabilization medications shall not be forcibly administered.

(r) "Supporter" means an adult designated by the respondent who assists the person who is the subject of the petition, which assistance may include supporting the person to understand, make, communicate, implement, or act on their own life decisions during the CARE process, including a CARE agreement, a CARE plan, and developing a graduation plan. A supporter shall not act independently.

*(Amended by Stats. 2023, Ch. 283, Sec. 4. (SB 35) Effective September 30, 2023. Section conditionally operative as provided in Section 5970.5.)*