



June 14, 2022

Honorable Mark Stone, Chair
Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

Honorable Jim Wood, Chair
Assembly Health Committee
1020 N Street, Room 390
Sacramento, CA 95814

RE: SB 1338 (Umberg & Eggman): The Community Assistance, Recovery, and Empowerment (CARE) Court Program. As amended on May 19, 2022 – CONCERNS

Dear Chair Stone and Chair Wood:

On behalf of the state's 58 counties, the California State Association of Counties (CSAC); Urban Counties of California (UCC); Rural County Representatives of California (RCRC); County Behavioral Health Directors Association of California (CBHDA); California Association of Public Administrators, Public Guardians, and Public Conservators (CAPAGPC); and the County Welfare Directors Association of California (CWDA) respectfully request your consideration of the following concerns with SB 1338 (Umberg & Eggman) to ensure the successful implementation of the Governor's CARE Court proposal.

As currently drafted, SB 1338 would require all 58 counties to establish a CARE court, which would be a new civil court process designed to provide effective treatment and long term plans for those suffering with psychotic disorders. Counties would play a key and substantial role in implementation under SB 1338 as the state's partners in providing critical behavioral health and social services. For these reasons, CSAC strongly urges the Legislature to adopt the following policy recommendations and local investments to help ensure CARE Courts can be implemented in a practical and achievable manner in all 58 counties.

- **Phased-In Implementation:** The path to success for counties – more importantly, for those who stand to benefit from CARE Court – must be grounded in an incremental phase-in model, in which counties most prepared to implement are the first adopters. This includes, but is not limited to, the resources and ability of courts to establish the new processes and procedures without contributing to further court backlogs; the staffing and funding capacity for behavioral health and social services to provide the necessary services to existing and new populations; and local solutions for ongoing housing shortages, which presents one of the biggest challenges and most critical elements for program success.

- **Resources:** The CARE Court program includes new responsibilities and obligations imposed on counties that require additional resources and ongoing funding, likely in the hundreds of millions of dollars. Adequate and sustainable funding, as well as start-up funding is required across multiple departments, including county behavioral health, public defender, county counsel, public guardians and conservators, and county social services. This is in addition to funding required for court administration, operation, and staffing.
- **Fiscal Protections:** The CARE Court proposal must provide protections to counties for any new responsibilities and costs. To ensure our counties have the appropriate long-term resources, we recommend fiscal provisions that preserve current funding and services, while also providing a mechanism for determining and allocating supplementary annual funding for new activities and duties required by SB 1338.
- **Sanctions:** Sanctions should be reserved for deliberate and chronic deficiencies, imposed only after meaningful engagement within the existing regulatory framework along with the appropriate procedural safeguards. Counties support modeling the process adopted in Assembly Bill 101 (Statutes of 2019) for jurisdictions that fail to comply with their obligations under state housing laws, which includes a pathway for both fines and receivership as proposed in SB 1338. In addition, sanctions should not begin until after the program has been fully funded and implemented.
- **Housing:** As noted above, housing is imperative for the successful treatment of those with severe mental illness and foundational to addressing the larger problem of homelessness across California. Further, various housing types are necessary to meet the individual needs of program participants. To ensure that the state’s recent housing investments are available to serve the CARE population, counties support recent amendments authorizing the Superior Court to order housing providers that have received specified state funds to accept placement of CARE participants at any available housing option or program as appropriate to meet the respondent’s needs.

Thank you for your consideration of our concerns regarding phased-in implementation, resources, funding, sanctions, and housing. We respectfully urge your committees to continue working with us as we refine the policy to maximize success for CARE Court, and most important, the people it intends to serve. Should you have any questions regarding our concerns or implementation challenges by locality, please do not hesitate to contact our organizations.

Sincerely,



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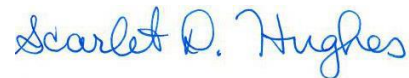
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