

CARE Act Petition

Step 1	Before completing forms: If you want to file a petition, read attached form CARE-050-INFO – Information for Petitioner about the CARE Act.
Step 2	Complete forms: Complete the following forms in blue or black ink: ➤ CARE-100 Petition to Commence Care Act Proceedings ➤ CARE-101 Mental Health Declaration completed by Licensed Behavioral Health Professional. As an alternative to this form, you can provide evidence that the respondent was detained for a minimum of two intensive involuntary treatments of 14 days AND that the most recent event occurred within the last 60 days. ➤ CARE-105 [Proposed] Order for Care Act Report. <i>Samples of CARE-100 and CARE-105 are included in this form packet.</i> OPTIONAL- Review: Bring your completed forms to the Restraining Order Help Center at 201 N. First Street San Jose to have them reviewed before filing. In the alternative, you may email your completed forms to shcdocreview@scscourt.org. Please allow <u>1-3 court days</u> for review and response.
Step 3	Copies: Make 1 copy of the forms, not including the original
Step 4	File: File the original and copy in the Probate Clerk's Office of the courthouse located at: 191 North First Street, San Jose, CA 95113 The Clerk will file stamp the forms and give you back a filed copy. The Clerk's Office is open Monday-Thursday from 8:30 am to 3:00 pm and Friday from 8:30 am to 12 noon (except on court holidays). Closing times are subject to change. Visit www.scscourt.org or call 408-882-2654 for current hours. There is no fee to file these forms.
Step 5	Service: Service of the petition is not required.
Step 6	Assessment: Once you file the petition, the court will evaluate your petition to determine if respondent meets the eligibility requirements for services under CARE Act. ➤ If the court finds that respondent is not eligible or if respondent works with the county voluntarily, the petition will be dismissed. ➤ If the court finds that respondent is eligible for services, the court will order that a county agency contact respondent and provide a report within 14 days. You and respondent will be notified. ➤ If the agency report supports that respondent is eligible for CARE Act services and if contact with respondent was not effective, the court will set a court hearing. The county agency will give notice of the hearing to you, respondent, respondent's appointed counsel and the county behavioral health agency



Step 7	Initial Hearing: Attend the hearing. If you do not attend the initial hearing, the court may dismiss your petition. • At this hearing, the court will order that county behavioral health agency replace you as petitioner in this case. • Your right to future notice in this matter will be determined by the court. In addition, Respondent may agree to your participation in future proceedings.
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WHAT IS the CARE ACT?

The Community Assistance, Recovery, and Empowerment (CARE) Act is a California law that provides services to individuals with severe mental health impairments resulting from certain diagnosis. The CARE Act aims to prevent hospitalizations, incarcerations, and conservatorships.

A petitioner requests court ordered services for respondent by filing Petition to Commence CARE Act Proceedings ([CARE-100](#)) in probate court. One must fall under a specific group to qualify as petitioner, see [CARE-050](#). If a hearing is set, the court will replace the initial petitioner with a county agency. The respondent is the person who may qualify for services if eligibility requirements are met. Eligibility requirements can be found on the California Courts website here: <https://www.courts.ca.gov/48654.htm> and also on form [CARE-050](#).

WHAT SERVICES ARE PROVIDED UNDER THE CARE ACT?

Services that may be provided under the CARE Act include clinical behavioral health care, counseling, specialized psychotherapy programs and treatment, stabilization medications, a housing plan and other support and services provided directly and indirectly by local government. The goal is to create a court approved CARE agreement and CARE plan to work in conjunction with respondent to deliver services.

WHAT ELSE SHOULD I KNOW?

Respondent's progress in the CARE plan will be checked at status review hearings set at intervals by the court. A determination will be made on the 11th month as to whether respondent is ready to graduate from the program or if services will continue under the program for up to a year.

You can find more information about the CARE Act at <https://care-act.org>, including a process flow chart and other options to help someone with a severe mental illness.

HOW CAN I GET HELP?

You can contact the Self-Help Center/Family Law Facilitator if you have questions or need assistance with completion of forms:

- **Contact us:** Go to <https://santaclara.courts.ca.gov/>, click on the "**Self-Help**" tile, and then click on "**Self-Help Center/Family Law Facilitator's Office**" More Info link. Walk-in assistance is limited to emergencies so contact us remotely first.
- **Obtain court forms in PDF fillable format:** Go to <https://www.courts.ca.gov/forms.htm> and then search under form number.
- **Form Review:** Email your forms to Self Help as a PDF file to SHCDocReview@scscourt.org.
- **Note:** We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara
Self-Help Center/Family Law Facilitator's Office
 201 N. First Street, San Jose, CA 95113
 408-882-2926