
THIRD READING

Bill No: SB 1242
Author: Choi (R)
Amended: 4/20/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 4/28/26
AYES: Umberg, Niello, Allen, Alvarado-Gil, Ashby, Caballero, Durazo, Laird,
Reyes, Stern, Wahab, Wiener
NO VOTE RECORDED: Weber Pierson

SUBJECT: Community Assistance, Recovery, and Empowerment (CARE) Court
Program

SOURCE: Conference of California Bar Associations

DIGEST: This bill permits an original petitioner in a CARE Court action who is a family member of the respondent to remain involved in the respondent's CARE proceedings, for the purpose of assisting in care coordination and providing relevant information to the CARE team, unless the court finds that the participation is likely to be detrimental to the respondent's treatment or wellbeing.

ANALYSIS:

Existing law:

- 1) Establishes the CARE Act. (Welf. & Inst. Code, div. 5, pt. 8, §§ 5970 et seq.)
- 2) Defines the following relevant terms:
 - a) "CARE agreement" is a voluntary settlement agreement entered into by the parties, and includes the same elements as a CARE plan to support the respondent in accessing community-based services and supports.
 - b) "CARE plan" is an individualized, appropriate range of community-based services and supports, which include clinically appropriate behavioral

health care and stabilization medications, housing, and other supportive services, as appropriate.

- c) “CARE process” is the court and related proceedings to implement the CARE Act.
 - d) “Court-ordered evaluation” means an evaluation ordered by the court in connection with a CARE Act petition, as specified.
 - e) “Department” is the DHCS.
 - f) “Petitioner” is the entity who files a CARE Act petition with the court; if the petitioner is a person other than the director of a county behavioral health agency (CBHA), or their designee, the court shall substitute the director or their designee for the county in which the proceedings are filed as the petitioner at the first hearing.
 - g) “Respondent” is the person who is subject to the petition for the CARE process. (Welf. & Inst. Code, § 5971.)
- 3) Establishes criteria for a person to qualify for the CARE process, including that the person is 18 years of age or older; the person is experiencing a serious mental disorder, as defined, and has a diagnosis in the disorder class of schizophrenia spectrum and other psychotic disorders, or bipolar I disorder, as specified; the person is not clinically stabilized in ongoing voluntary treatment; and participation in a CARE plan or agreement would be the least restrictive alternative necessary to ensure the person’s recovery and stability. (Welf. & Inst. Code, § 5972.)
- 4) Provides that the following adult persons may file a petition to commence the CARE process, including:
- a) A person with whom the respondent resides.
 - b) A spouse, parent, sibling, child, or grandparent, or an individual who stands in loco parentis to the respondent.
 - c) Various persons who have provided care to the respondent within the previous 30 days, or the directors of programs where care was provided to the respondent.
 - d) A first responder, as defined, who has repeated interactions with the respondent, as defined.

- e) The directors of specified public agencies and service providers, including a county behavioral health agency (CBHA).
 - f) The judge of a tribal court located in California before which the respondent has appeared within the previous 30 days.
 - g) The respondent. (Welf. & Inst. Code, § 5974.)
- 5) Requires the CARE court, upon receipt of a petition, to promptly review the petition to determine if the petitioner has made a prima facie showing that the respondent is, or may be, a person who meets the CARE criteria. (Welf. & Inst. Code, § 5977(a)(1).)
- 6) Establishes, following a determination that the petition makes a prima facie case that the respondent is eligible for the CARE process, different procedures depending on whether the petitioner is the director of a CBHA or one of the other authorized persons, set forth in 7) and 8). (Welf. & Inst. Code, § 5977(a).)
- 7) Provides, pursuant to 6), if the original petitioner is the director of a CBHA, the court must set the matter for an initial appearance on the petition, appoint counsel for the respondent and, if the petition does not include specified information, instruct the CBHA to submit a written report with the requisite information within 14 court days. (Welf. & Inst. Code, § 5977(a)(3)(A).)
- 8) Provides, pursuant to 6), if the original petitioner is someone other than the director of the CBHA:
- a) The court must order the CBHA to investigate and file a written report with the court regarding whether the respondent meets the CARE criteria, the outcome of efforts to involuntarily engage the respondent, and the respondent's ability to engage in services.
 - b) After receiving the report, if the court determines that the evidence supports a prima facie case that the respondent is eligible for the CARE process and engagement with the county agency was not effective, the court must set an initial appearance on the petition within 14 days; appoint counsel for the respondent; and order the CBHA to provide notice of the initial appearance to the petitioner, the respondent, and the respondent's appointed counsel. (Welf. & Inst. Code, § 5977(a)(3)(B), (4), & (5).)
- 9) Requires the court, at the initial appearance hearing, to determine whether there is reason to believe that the facts of the petition are true; if the court makes such

a finding, and the original petitioner was not the CBHA, the court must issue an order relieving the original petitioner and appointing the director of the CBHA or their designee as the successor petitioner. (Welf. & Inst. Code, § 5977(b)(6)(A).)

- 10) Provides that, when an original petitioner is a person described in 4)(a) or (b), above, they retain all of the following rights after being relieved as a petitioner under 9):
 - a) The right to be present and make a statement at the initial hearing on the merits of the CARE petition.
 - b) The right to receive ongoing notice of proceedings throughout the CARE proceedings, including notice of a continuance or dismissal, unless the court determines, upon its own motion or a motion of the respondent, that it would likely be detrimental to the respondent's treatment or wellbeing.
 - c) The right to participate in the respondent's CARE proceedings to the extent the respondent consents. (Welf. & Inst. Code, § 5977(b)(6)(B).)

This bill:

- 1) Provides that, if an original CARE petitioner is the spouse, parent, sibling, child, grandparent, or individual who stands in loco parentis to the respondent, the original petitioner shall be permitted to participate in the respondent's CARE program for the purpose of assisting in care coordination and providing relevant information to the CARE team.
- 2) Provides that the original petitioner shall not be permitted to participate, or their participation may be excluded or limited, under 1) if the court determines, upon its own motion or the motion of the respondent, that the original petitioner's participation likely would be detrimental to the treatment or wellbeing of the respondent.
- 3) Provides that the original petitioner's participation does not authorize the disclosure to the original petitioner of the respondent's confidential medical information without the respondent's consent.

Comments

In 2022, the Legislature enacted the CARE Act. The CARE Act is intended to provide essential mental health and substance use disorder services to severely mentally ill Californians—many of whom are homeless or incarcerated—while

also preserving these individuals' self-determination to the greatest extent possible. The first counties implemented the CARE Act in October 2023; all counties in the state were required to begin accepting CARE petitions as of December 1, 2024, unless they received an implementation extension from the Department of Health Care Services (DHCS). As the CARE Act has been implemented across the state, stakeholders have figured out what works well and what needs improvement; according to the author and sponsor, one ongoing concern is that a family member who filed the original petition for a CARE respondent is not able to continue participating in the CARE proceedings without the respondent's consent, depriving the participants in the process of potentially helpful information about the respondent's history and condition.

This bill permits an original petitioner who is a family member of the respondent to participate in the respondent's CARE program for the purpose of assisting in care coordination and providing relevant information to the CARE team, unless the court finds that the family member's participation would likely be detrimental to the respondent's treatment or wellbeing. The bill specifies that the participating family member cannot receive the respondent's protected health information without the respondent's consent.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 4/29/26)

California Conference of Bar Associations (source)
California State Association of Psychiatrists
Families Advocating for the Seriously Mentally Ill
Family Advocates of Individuals with Serious Mental Illness
Treatment Advocacy Center
Two individuals

OPPOSITION: (Verified 4/29/26)

Cal Voices
California Peer Watch
Disability Rights California
Mental Health America of California

ARGUMENTS IN SUPPORT: According to the California Conference of Bar Associations:

This legislation reflects a deliberate and necessary evolution of the CARE Act. When the CARE Court was enacted in 2022, the Legislature intentionally

limited the role of the original petitioners after filing, unless the respondent provided affirmative consent. However, early implementation revealed a critical gap: families who initiated CARE petitions were often excluded from the process, siloed, and lacked the ability to support their loved one, undermining engagement, continuity of care, and the effectiveness of the program. Additionally, respondents lacked insight into their condition, misunderstood the court proceedings, and intentionally declined to allow family participation due to their underlying condition including paranoia and lack of insight.

In response, the Legislature amended Welfare & Institutions Code section 5977 to require ongoing notice to original petitioners effective July 1, 2025, ensuring that families were notified about court proceedings while maintaining confidentiality and judicial discretion. SB 1242 represents the next logical step in this legislative progression. The bill ensures that families remain partners in the recovery of the individual, provide ongoing support, and are involved in community-based care coordination. Confidentiality protections remain intact and participation may be limited by the court.

ARGUMENTS IN OPPOSITION: According to Disability Rights California:

In the event the respondent and petitioner have a positive and trusting relationship, existing law already allows for them to work through the CARE Court process together. The only change SB 1242 makes is to open the door to allow petitioners with whom respondents do not have a positive or trusting relationship to be present through CARE Court even if the respondent objects.

CARE Court staff already face an uphill battle to build trust with respondents whom multiple systems have failed, within a court system that respondents did not volunteer to join. In the first CARE Act Annual Report, counties reported a wide range of time from petition to disposition: 8 – 253 days, and that 85% of respondents took 31 or more days to have a petition disposition assigned. Adding to the mix an individual who a respondent specifically does not want to be there will only make building trust that much harder.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
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**** END ****