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**TO:** City of Cupertino, Legislative Review Committee  
**FROM:** Anthony, Jason, and Paul Gonsalves  
**SUBJECT:** Consider Adopting A Position On SB 1338 (Umberg And Eggman) The Community Assistance, Recovery, And Empowerment (CARE) Court Program  
**DATE:** June 27, 2022

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### **Bill Information:**

The official text of SB 1338 can be found [here](#)<sup>1</sup>:

### **Summary:**

SB 1338, sponsored by Governor Newsom creates a new program – the Community Assistance, Recovery, and Empowerment (CARE) Court program. Under the CARE Court program, civil courts could order those suffering from certain mental illnesses into a treatment program at the community level. This is similar to today's Assisted Outpatient Treatment under the LPS Act, but with more community-based support and services and more ongoing court oversight. Under the bill, a broad range of individuals, including family members, behavioral health professionals, and first responders with knowledge of the person, can petition the civil court to have a person suffering from severe mental illness and a current diagnosis of schizophrenia spectrum or other psychotic disorder ordered

into either a voluntary CARE agreement, or a court-ordered treatment plan for one year or, if renewed, two years.

**Support:**

The Governor states, “CARE Court is a paradigm shift, providing a new pathway for seriously ill individuals before they end up cycling through prison, emergency rooms, or homeless encampments.” The bill is supported by Big City Mayors and many cities; business, travel, and tourism groups; some psychiatrists; and several groups that represent the family members of those with severe mental illness.

Cities and counties have split positions on CARE Courts, which may raise questions about their ability to work together cooperatively to ensure needed housing and services are provided to CARE Court participants.

Generally, cities support the legislation, but counties and their associated entities, while not opposed, have raised many issues of concern with the legislation. The exception is San Diego, where both the cities and county submitted a joint letter of support. The split is likely due to the fact that many unhoused individuals with mental illness can be found in cities, while the counties will be called upon to provide the support and services required by the bill.

City support is exemplified by the City of Santee, which recognizes the bill as “an important measure to provide California’s civil courts with a new process for earlier action, support, and accountability to protect and care for some of our state’s most vulnerable residents.” SB 1338 would provide individuals with a clinically appropriate, community-based, court-ordered care plan, including behavioral health care, stabilization medication, and housing. SB 1338 supports adults who are suffering from specified mental health disorders (schizophrenia spectrum and psychotic disorders) and who lack medical decision-making capacity. As this legislation could serve as an important tool to help the City’s effort to help address the challenges of homelessness and increase services and safety for those experiencing homelessness, the City Council of the City of Santee passed a unanimous resolution in support of SB 1338.

**Supporters:**

Alameda County, Families Advocating for the Seriously Mentally Ill, Bay Area Council, Big City Mayors, Building Owners and Managers Association, California Association of Code Enforcement Officers, California Chamber of Commerce, California Downtown Association, California Hospital Association/California Association of Hospitals and Health Systems, California Professional Firefighters, California Travel Association, Central City Association of Los Angeles, City of Alhambra, City of Bakersfield, City of Berkeley, City of Beverly Hills, City of Big Bear Lake, City of Buena Park, City of Carlsbad, City of Chino Hills, City of Chula

Vista, City of Concord, City of Corona, City of Coronado, City of Del Mar, City of El Cajon, City of Encinitas, City of Escondido, City of Fontana, City of Fullerton, City of Garden Grove, City of Huntington Beach, City of Imperial Beach, City of Irvine, City of La Mesa, City of Lemon Grove, City of Mission Viejo, City of Montclair, National City, City of Oceanside, City of Ontario, City of Paramount, City of Poway, City of Redlands, Redwood City, City of San Diego, City of San Marcos, City of Santa Monica, City of Santee, City of Solana Beach, City of Upland, City of Vista, County of Orange, Family & Consumer Advocates for California's Severely Mentally Ill, Family Services Association, Fontana Chamber of Commerce, Fremont Chamber of Commerce, Garden Grove Chamber of Commerce, Golden Gate Restaurant Association, Govern for California, Harbor Association of Industry and Commerce, Hotel Council of San Francisco, Island Empire Economic Partnership, Laguna Niguel Chamber of Commerce, Lake Elsinore Valley Chamber of Commerce, Los Angeles Area Chamber of Commerce, Los Angeles Business Council, Los Angeles County Business Federation, BizFed, National Alliance on Mental Illness – California (NAMI-CA), Neighborhood Partnership Housing Services, Inc., Oceanside Chamber of Commerce, Orange County Hispanic Chamber of Commerce, Palos Verdes Peninsula Chamber of Commerce, Psychiatric Physicians Alliance of California, Redondo Beach Chamber of Commerce, Sage Leadership Academy, San Diego Board of Supervisors, San Diego County District Attorney's Office, San Diego Regional Chamber of Commerce, San Francisco Chamber of Commerce, San Francisco Travel Association, San Pedro Chamber of Commerce, Santa Clarita Valley Chamber of Commerce, Santa Rosa Metro Chamber of Commerce, Santee Chamber of Commerce, South Bay Association of Chambers of Commerce, Steinberg Institute, Tulare Chamber of Commerce, Valley Industry and Commerce Association, West Ventura County Business Alliance.

**Oppose:**

The county's opposition/concerns are highlighted from the following statement from the County of Humboldt: "As you know, Humboldt County strongly supports a comprehensive, holistic approach to addressing the homeless crisis. However, this bill so far fails to include additional funding for the impact CARE Court would have on our behavioral health, public defender and public guardian offices.

Additionally, while we and the cities are working to build our housing stock and behavioral health workforce and infrastructure utilizing recent state investments, we are not yet prepared or funded to implement this new program effectively or operate it ongoing. New expectations, whether for CARE Court or other programs, require new resources to meet them, especially given decades of underfunding for behavioral health services and zero state investment in the county public guardian offices. Importantly, much of the work envisioned by the CARE Court proposal is not reimbursed by Medi-Cal or private insurance.

Additionally, the proposed sanctions are not appropriate. Our county cannot bear sanctions related to an entirely new program in which we lack the sole authority, housing units, and funding to implement. Sanctions would exacerbate the issues our overloaded and underfunded public defender and behavioral health departments are already experiencing, including a severe workforce shortage.

Opposition:

American Civil Liberties Union California, Action Anti Police-Terror Project, Bar Association of San Francisco, Bay Area Legal Aid, Bazelon Center, Cal Voices, California Behavioral Health Planning Council, California Advocates for Nursing Home Reform, California Association of Mental Health Peer-Run Organizations, California Democratic Party Black Caucus Legislative Committee, Caravan4Justice, Care First California, The Coelho Center for Disability Law, Policy & Innovation, Corporation for Supportive Housing Depression and Bipolar Support Alliance – California, Decarcerate Sacramento, Dignity and Power Now, Disability Rights Advocates, Disability Rights California, Disability Rights Education & Defense Fund, Disability Rights Legal Center, Drug Policy Alliance, Ella Baker Center for Human Rights, Ezekiel's Project Funders Together to End Homelessness, Housing California, Housing Is a Human Right - Orange County, Housing Not Handcuffs Campaign, Human Rights Watch, Humboldt County Board of Supervisors, Inland Equity Partnership, Justice in Aging, Justice LA, Justice Teams Network, Justice2Jobs, Coalition La Defensa, Law Foundation of Silicon Valley, Los Angeles Community Action Network, Lotus Collective, Love and Justice in The Streets, Mental Health Advocacy Services, Mental Health America of California, Mental Health First, National Association of Social Workers – California, National Health Law Program, National Homelessness Law Center, New Life Ministries of Tulare County, No CARE Court Coalition, Peers Envisioning and Engaging in Recovery Services (PEERS), People's Homeless Task Force – Orange County, People's Budget - Orange County, Project Amiga, Public Interest Law Project, Racial and Ethnic Mental Health Disparities Coalition, Rosen Bien Galvan & Grunfeld, LLP, Sacramento Homeless Organizing Committee, Sacramento LGBT Community Center, Sacramento Regional Coalition to End Homelessness, San Bernardino Free Them All, San Francisco Pretrial Diversion Project, San Francisco Public Defender's Office, San Mateo Branch of the NAACP Housing Committee, Senior & Disability Action, SmithWaters Group, Starting Over, Inc., Street Watch LA, Transforming Justice Orange County, Unapologetically Black Unicorn, Western Center on Law & Poverty, Western Regional Advocacy Project, White People 4 Black Lives, Women's Wisdom Art.

Status:

On June 20, California announced \$518.5 million in grants to help provide services and housing options to persons with severe mental illness or substance abuse problems, including those who are unhoused. This is part of a \$2.2 billion

effort to expand mental health housing and services across California, including CARE Court.

Grants were awarded in the following counties:

- Alameda County – \$18,405,122
- El Dorado County – \$2,852,182
- Humboldt County – \$4,170,560
- Kern County – \$3,138,065
- Los Angeles County – \$155,172,811
- Madera County – \$2,035,512
- Mendocino County – \$7,711,800
- Monterey County – \$3,558,670
- Nevada County – \$4,458,799
- Orange County – \$10,000,000
- Placer County – \$6,519,015
- Riverside County – \$103,181,728
- Sacramento County – \$30,553,889
- San Diego County – \$30,874,411
- San Francisco County – \$6,750,000
- Santa Barbara County – \$2,914,224
- Santa Clara County – \$54,074,660
- Solano County – \$14,332,411
- Sonoma County – \$9,751,915
- Stanislaus County – \$33,369,900
- Yolo County – \$12,500,000

SB 1338 passed out of the Assembly Judiciary Committee on June 21, 2022.

**Legislative Platform:**

This bill falls under Cupertino's 2022 Legislative Platform in the Homelessness Section on page 6:

1. Support legislation that provides funding to create pathways to permanent housing and supportive services.
2. Support legislation and funding to help facilitate and promote regional efforts to address homelessness.
3. Support legislation to address issues affecting the homeless population, including mental health and substance abuse.

**Recommended Action:**

Consider a position of support on SB1338 and authorize the Mayor to send letters to the state legislature.