

# Strengthening CARE Courts

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Advancing Justice System Responsibility  
and Accountability for Program Participants

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# Introduction

Individuals living with mental health conditions and their families bear the responsibility and accountability to access appropriate behavioral health services, which include treatment for mental health conditions and substance use disorder exacerbate these conditions and traumatize individuals in need of assistance. In 2024, the Community Assistance, Recovery, and Empowerment (CARE) Act<sup>[1]</sup> shifted the responsibility and accountability burden away from the individual in the criminal system to the civil legal and behavioral health systems. The civil proceedings allow CARE Court clients to voluntarily work with behavioral health officials without fear of any criminal court consequences. What makes CARE Court unique is the shared responsibility and accountability held by the civil legal and behavioral health systems. Both systems are responsible for shared understanding and collaborative partnerships, access to quality treatment services, and ensuring program outcomes are based on individual client engagement. As CARE Courts take hold across California, the civil legal and behavioral collaborators are accountable to clients at every interface stage when addressing an individual's treatment. In CARE Court, the collaborative partners are responsible for identifying, screening, and connecting eligible individuals to personalized treatment services. The collaborative partners facilitate access to community-based mental and behavioral health services, housing, and other supports to strengthen successful outcomes and community connections. Additionally, CARE Court partners are tasked with ensuring

eligible individuals fully understand the legal ramifications of the program and the voluntary nature of CARE Court.

The CARE Court Implementation: Identifying Core Practices<sup>[2]</sup> publication focuses on the five core principles needed when designing a CARE Court. Within the context of the Court's design and implementation, collaborative partners have a range of legal and behavioral health responsibilities when engaging with and supporting CARE Court clients. Those responsibilities include specific duties to ensure fair and equitable access to legal representation during proceedings, timely identification and screening for treatment services, individualized treatment service connections that are person-centered and client-led, and consistent evaluation of barriers that prevent improved functioning outcomes for clients. Furthermore, the accountability to clients goes beyond the daily tasks of participating in a CARE Court; accountability involves responding to one's choices, actions, and outcomes. Accountability in CARE Court requires answering to the CARE Court Judge and each collaborative partner, the clients, and the community. Accountability requires leadership, teamwork, and collaboration when identifying and redefining partner responsibilities.

Each CARE Court team member has distinct responsibilities and is accountable to each other for the success of the CARE Court program. The CARE Court partners' responsibilities and accountability processes are intertwined. For example, judges are respon-

sible for managing the court proceedings and interpreting the CARE Act while holding the legal actors and behavioral health teams accountable for timely client engagement. The judge is responsible for levying monetary sanctions on the behavioral health team when there is a lack of timely identification and screening of potential program clients. This connected responsibility and accountability contributes to a more efficient and effective program model.

## Procedural Justice in CARE Court

As CARE Court teams embrace this new way of navigating team responsibilities and accountability, solidifying a procedural justice framework in court operations sets the foundation for positive client engagement. The CARE Court paradigm aligns with the procedural justice framework of fairness in proceedings, transparency and understanding of the process, and empowered decision-making of clients.<sup>[3]</sup> Research has established four procedural justice essentials to support the perceived fairness in the justice system. Those essential elements in a CARE Court are:

1. **Respect:** CARE Court clients feel they are treated with dignity and respect by judges, attorneys, and court staff, including the CARE Court behavioral health team.
2. **Trust/Neutrality:** CARE Court clients perceive that the decision-making process is unbiased, trustworthy, and in their best interest.
3. **Voice:** CARE Court clients feel they have an opportunity to be heard about their needs and concerns.
4. **Understanding:** CARE Court clients understand their rights, the CARE Court case process, and what is expected of them.

To ensure that each element of procedural justice is embedded in every court interaction,<sup>[4]</sup> CARE Court team members must actively embrace procedural justice in the court's daily operations. This shift in program operations safeguards person-centered, client-led engagement as key accountability measures for CARE Courts.

Each CARE Court collaborator's role is distinct with specific responsibilities and accountability measures. Ensuring the collaborative partners uphold their responsibilities while accepting shared accountability for the CARE Court process and clients can lead to better program outcomes. The role and responsibilities of each collaborative partner and the accountability mechanisms may be different from court to court; therefore, memorializing the roles, responsibilities, and accountability measures will strengthen the collaborative partnerships. This explainer lays out the roles, responsibilities, and accountability measures of each collaborative partner to support a successful CARE Court outcome for CARE participants.

### TOOLS ↘

- [Video: What is Procedural Justice?](#)
- [Procedural Justice: Practical Tips for Courts](#)

# Advancing Behavioral Health Agencies' Responsibility and Accountability for Program Participants

Behavioral health agencies serve as leaders and collaborators in the CARE Court model, ensuring individuals with schizophrenia spectrum and other qualifying psychotic disorders<sup>[5]</sup> and behavioral health challenges receive necessary support and treatment. Their key responsibility involves outreach to connect potential CARE clients with appropriate, evidence-based treatment services, starting with identifying eligible individuals, creating tailored CARE plans, and ensuring the delivery of high-quality care that meets the needs of clients.

Beyond individual treatment, these agencies also support the community through public education initiatives, town hall meetings, and training for CARE partners on program expectations and eligibility. In their role, behavioral health staff engage clients, their families, county counsel, treatment providers, public defenders, law enforcement, and emergency workers through person-centered practices. When these agencies effectively fulfill their roles, clients receive timely care, reducing the need for emergency services while addressing more severe mental health crises. Families are better informed, and the community better understands CARE Court's scope and purpose. Conversely, challenges that impact agencies' staff and compromise their role and responsibilities

include staffing shortages, insufficient outreach, or unclear engagement efforts, which may lead to client disengagement, increased or prolonged symptoms, and a reduction of trust in the legal and behavioral health systems. When behavioral health teams aren't held accountable, CARE Courts cannot achieve their intended outcomes, leaving clients, families, and the community resistant to legal and behavioral interventions, and pessimistic about the CARE Court model.

Accountability measures for behavioral health agencies are essential. Judges have the authority to require participation from behavioral health and impose fines for non-compliance. Civil legal representatives of program clients actively monitor agency actions to ensure meaningful client engagement. Treatment providers identify and require improvement when behavioral health care providers lack collaboration and communication. Behavioral health agencies also play a vital role in fostering accountability among partners by ensuring treatment providers provide the court with accurate and timely updates on treatment services, law enforcement, and emergency workers identify and file petitions for appropriate CARE candidates, and housing specialists work diligently to find proper housing for CARE Court clients. Additionally, behavioral health

teams can share insights with state agencies when state policies and procedures aren't aligned with program success. The agency's input can inform and enhance policy development and data collection.

## Role and Responsibilities Guidance

1. Have you designed an outreach strategy to locate all potential CARE Court clients?
2. Have you developed a communication chain with law enforcement, emergency workers, the probation department, and hospitals?
3. Have you developed and updated CARE plans based on client needs?
4. Have you visited and verified that all referred treatment providers offer evidence-based services?
5. Have you ensured that all CARE Court partners receive timely, direct, and clear updates on client progress and engagement efforts by behavioral health?
6. If the CARE Court petition originated with a family member, is the family provided an informational update on the state of the case and/or the CARE Court client?
7. Are CARE Court plans used to divert potential CARE Court clients out of CARE Court?

## Accountability Inquiry

1. How do you approach engaging potential CARE Court clients effectively?
2. What steps do you take to ensure CARE plans/agreements are individualized and attainable?
3. How do you vet treatment providers for quality and evidence-based practices?
4. When a client disengages, how do you assess and adjust your team's engagement efforts?
5. What engagement techniques do you use beyond traditional methods (i.e. check last known address) to engage clients?

### TOOLS

- [Community Assistance, Recovery, and Empowerment Act: Behavioral Health and Social Service Provider Roles in the CARE Act](#)
- [Care Agreement and Care Plan Worksheet for County Behavioral Health](#)
- [CARE Act Communications Toolkit for Counties](#)
- [Community Assistance, Recovery, and Empowerment Act: CARE Process Flow for County Behavioral Health](#)

# Advancing Treatment Professionals' Responsibility and Accountability for Program Participants

Treatment professionals are core partners in the CARE Court model, delivering individualized, evidence-based services that support clients' stability, health, and long-term independence. Treatment professionals work collaboratively with behavioral health teams to assess client needs, develop personalized treatment plans, and provide a wide range of care that includes medical and medication support, case management, and mental and behavioral health treatment. By fostering structured daily routines, life skills training, and strength-based engagement strategies, treatment professionals play a direct role in helping CARE Court clients manage their symptoms and reintegrate successfully into the community.

The use of culturally responsive person-centered approaches supports rapport building and effective client engagement. This is especially true when engaging clients who have not been able to engage in services through the conventional behavioral health pathways. Each client deserves tailored support based on their individual background and medical history. When these approaches are implemented strategically by treatment professionals, improved mental health outcomes are possible, clients may adhere to medication, and, when appropriate, clients can transition to independent living.

Treatment professionals also maintain high standards through continuous staff training that includes motivational interviewing, evidence-based practices, and cognitive behavioral methodology.

To enhance accountability, treatment professionals are encouraged to establish structured reporting systems that carefully document essential behaviors, such as substance use, medication compliance, and treatment attendance. These tools are instrumental in guiding necessary adjustments in care and providing transparent insights for partners involved in court proceedings. Through continual reassessment, comprehensive documentation, consistent court hearings, and client feedback, CARE Court partners can ensure clients are receiving the highest standard of care, ultimately fostering improved outcomes and continued independence.

Conversely, when treatment services become fragmented or when there is insufficient client engagement, CARE Court partners must hold the treatment professionals accountable for client disengagement and devise accountability measures to improve client responses. That accountability can include case reviews with county behavioral health partners, increased incident reporting and data collection, formal judicial inquiries, and termination of treatment services.



In turn, treatment professionals promote accountability across the system by advocating for timely information sharing of medical histories, rapid transitions between service providers, and ongoing communication from county and court partners.

2. What challenges have you faced in maintaining client engagement within the CARE Court structure, and how have you addressed them?
3. How much access do you have to the CARE Court partners?

## Role and Responsibilities Guidance

1. Do you have a communication strategy when engaging with CARE Court partners?
2. Are you currently providing treatment and support services that align with the client's CARE plan as developed in coordination with the county behavioral health agency?
3. Do you engage in client-led treatment planning?
4. Do you submit regular reports to the CARE Court on client progress, including substance use, medication compliance, and attendance?
5. Have you participated in required CARE Court trainings on evidence-based practices such as medication management, motivational interviewing, and cultural responsiveness?

### TOOLS

- [Facility Referrals to the Community Assistance, Recovery, and Empowerment \(CARE\) Act Process](#)

## Accountability Inquiry

1. How do you ensure your treatment approaches align with the CARE plan and the client's evolving needs throughout their participation in CARE Court?

# Advancing County Counsel's Responsibility and Accountability for Program Participants

While the county counsel role is not set out in the CARE Act, county counsel is a key facilitator in the CARE Court process, ensuring legal integrity while supporting a collaborative, non-adversarial environment. The role centers on guiding communication among CARE partners, translating state and county-level information in court proceedings, and helping the courtroom function as a structured yet supportive space for clients. County counsel works to maintain a respectful, solution-oriented tone during hearings, assisting clients to feel heard and understood while advancing the goals of the court. County counsel may also manage connections between CARE Court and other legal systems (i.e., criminal courts or conservatorship proceedings) to ensure alignment and reduce confusion. Where appropriate, a county counsel representative can help coordinate incentives to encourage client engagement.

Before the launch of CARE Court, county counsel must be up to date on evolving CARE Court policies and ensure that the county is adhering to the state law before hearing CARE Court cases. County counsel should regularly engage with system partners to refine best practices and ensure that the correct people are being petitioned into CARE Court and that it does not become a catch-all for anyone with mental health needs.

When county counsel effectively fulfills this role, clients experience clear and predictable legal proceedings, making engaging with the process and building trust in the system easier. Families and support networks are better integrated, and the CARE plan can move forward smoothly. Clients benefit from timely coordination between behavioral health services and the civil legal systems, avoiding unnecessary delays or procedural setbacks.

Conversely, when county counsel is unable to support effective communication or provide clear legal guidance, clients may feel alienated or unsure about what to expect while in CARE Court. A more adversarial courtroom tone can emerge, discouraging engagement and fueling distrust. Inconsistent coordination with other court systems or partners can also lead to delays, missteps, or missed opportunities to support the client's stability and care.

County counsel is held accountable by judges, behavioral health teams, and legal representatives to bring structure, clarity, and legal soundness to proceedings. All partners also depend on county counsel to help align care delivery with legal requirements. County counsel also plays a critical role in upholding accountability across the system, ensuring court partners are prepared, legal standards are met, and communication remains transparent. Finally, county counsel is accountable

to CARE petitioners, ensuring timely filing of petitions and other court documents, so that the court process can operate as efficiently as possible.

4. What strategies do you use to coordinate effectively with behavioral health teams, public defenders, and other partners?
5. How do you ensure your legal recommendations support the goals of CARE Court while protecting the client's rights?

## Role and Responsibilities Guidance

1. Have you reviewed all the details of CARE Court requirements, including eligibility standards and expectations of all the system actors?
2. Have you selected an agency to be the legal representative of CARE Court clients?
3. Have you communicated all relevant legal updates and CARE Court requirements to participating partners?
4. Have you supported coordination between CARE Court and other relevant legal systems, such as criminal court or conservatorships?

### TOOLS

→ [Community Assistance, Recovery, and Empowerment Act: Legal Roles in the CARE Act](#)

## Accountability Inquiry

1. What legal concerns do you have as your county plans its CARE Court?
2. Which government agencies need to be involved in the CARE Court planning process so that everyone knows what to expect when the court launches?
3. How do you foster a supportive and clear courtroom environment for clients and their families?

# Advancing Civil Legal Representatives' Responsibility and Accountability for Program Participants

Legal representatives play a central role in protecting the rights and dignity of CARE Court clients. Legal representatives ensure each client's voice is heard, that court proceedings are fair, and that CARE plans reflect the needs and preferences of the individual. Additionally, the legal representatives of CARE Court clients must ascertain that the filing process follows the legal requirements and that a person has not been referred to CARE Court to resolve any other open court cases. Beyond the courtroom, legal advocacy agencies, often county public defense offices, may provide or coordinate access to clinical and social support services, particularly when gaps exist in the services offered by behavioral health teams. This can include partnering with preexisting county resources or leveraging in-house staff to provide wraparound support. The legal representatives also monitor and advocate within the CARE process, ensuring accountability among system partners, especially when service delivery falls short.

When legal representatives effectively carry out these responsibilities, clients benefit from comprehensive legal, clinical, and social support that builds trust and encourages active participation. This empowers clients to understand their rights better and take a more active role in shaping their CARE plans. The program clients also receive guidance

navigating the complex intersections of the CARE Court, criminal court (if applicable), civil court, and conservatorship systems. The outcome is a more meaningful, person-centered experience that supports long-term stability and recovery.

When the client's attorney is under-resourced or disconnected, clients risk receiving minimal legal representation and little guidance through a complex system. Without strong advocacy, clients may be excluded from decisions directly affecting them, and gaps in behavioral health services may go unchallenged. This can lead to frustration, disengagement, and the perception that CARE Court is another bureaucratic process rather than a path to recovery and support.

Legal representatives are held accountable through judicial oversight, courtroom collaboration with county counsel, and their professional standards. While external accountability may be limited, many offices uphold their role through internal reviews, regular team meetings, and by building partnerships with local service providers to extend their support beyond the courtroom. Legal representatives also serve as a crucial accountability check within the CARE Court system, advocating for client-centered planning and holding behavioral health teams accountable for the quality and consistency of care.

## Role and Responsibilities Guidance

1. Have you ensured your client understands their rights and role within the CARE Court process?
2. Have you confirmed that the individual has not been referred to CARE Court as a means of resolving any other pending matter in a different court?
3. Have you raised concerns when behavioral health teams fail to deliver adequate care?
4. Have you checked in with the client's family and loved ones when appropriate?

### TOOLS

→ [Community Assistance, Recovery, and Empowerment Act: Legal Roles in the CARE Court](#)

## Accountability Inquiry

1. How do you ensure clients are active clients in creating and revising their CARE plans?
2. How will you engage with family members who petitioned a person into CARE Court and the person has requested that no information about the process or the person be provided to the family?
3. What strategies do you use to build trust and long-term engagement with CARE Court clients?
4. How do you respond when behavioral health or other partners differ in their capacity to support your client effectively?

# Advancing Judicial Officers' Responsibility and Accountability for Program Participants

Judicial officers assigned to CARE Court are tasked with balancing the rights of the clients and the interests of the state and community. The voluntary nature of CARE Court presents a unique challenge for many judges, particularly because it requires a level of nuance and client autonomy that differs from conventional court settings. Given that many CARE Court clients may have prior courtroom experience, it's not uncommon for them to misunderstand the voluntary nature of the process. Judges must be especially attentive to ensuring clients understand that they may opt out of CARE Court at any time and for any reason, without needing to justify their decision. It is thus essential that judges and other court parties work to ensure the court setting fosters trust among the clients. Factors such as whether the judge is wearing judicial robes and whether hearings take place in the courtroom or in chambers have the potential to build trust among individual clients.

Another aspect of CARE Court that will be unique to most judges is that, unlike criminal court (and to some degree civil court), the onus of accountability is not on the person before the court but is shifted to the state actors and service providers. By statute, judges are the only court actors granted legally binding accountability powers—specifically, the authority to impose fines on behavioral health agencies for non-compliance, a determination made solely at the judge's

discretion. While the statute fails to define what conduct meets these criteria, judges can and must ensure these state actors work their hardest to bring potential CARE clients into the program.

## Role and Responsibilities Guidance

1. Have you determined who filed the petition?
2. For defective petitions, have you explained what the defect is and how it can be cured?
3. Have you explained the Care Court process to the potential client, including their right to exclude others - including family members - from the proceedings and the sharing of any information regarding treatment decisions?
4. Have you explained to family members who petitioned to have a family member enrolled in CARE Court that the Court's duty is to the potential client and not to the family?
5. Are all the relevant agencies involved in CARE Court made aware of the expectations the Court will have on their actions and the potential for the Court to issue sanctions against agencies not fulfilling its legal obligations?

## Accountability Inquiry 💡

1. How will you have your courtroom set up for CARE Court clients?
2. How will you ensure that potential clients understand that this is a voluntary proceeding and that they do not have to participate if they choose not to engage in the CARE Court process?
3. What process will the Court use to sanction agencies that are not compliant with the law or fulfilling their legal obligations?
4. If you determine that a criminal court is using CARE Court as a way to resolve an unrelated case, what process will be in place to return that case to the original court?

### TOOLS 🔧

- [Community Assistance, Recovery, and Empowerment Act: Legal Roles in the CARE Court](#)
- [FAQs – CARE Act Service Requirements](#)

# Final Note

California's CARE Courts represent a new approach to supporting individuals with mental and behavioral health challenges through a collaborative, person-centered system that balances legal oversight with individualized care. This explainer highlighted the distinct but interconnected responsibilities and accountability mechanisms that each stakeholder group holds, from behavioral health agencies and treatment professionals to county counsel, civil legal representatives, and judicial officers. Everyone involved in planning and operating CARE Court should remember that unlike all other court engagements, it is the systems and agencies that have the onus of accountability, not the CARE Court client.

Success in CARE Court depends on a shared commitment to procedural justice, transparent communication, and continuous collaboration. Each partner must uphold their duties with diligence, ensuring timely engagement, individualized treatment, and respect for clients' rights and autonomy. By clearly defining roles and fostering mutual accountability, CARE Courts can build a more effective, equitable, and humane response to the complex needs of individuals living with severe mental health conditions. Losing a CARE client's trust during any point in the process is detrimental to this voluntary program, so all partners must work to build trust with each CARE client throughout the process. As counties continue to implement and refine CARE Court programs, ongoing leadership, teamwork, and open dialogue among partners will be essential to realizing

the full potential of this innovative system—empowering clients, supporting families, and strengthening communities throughout California.

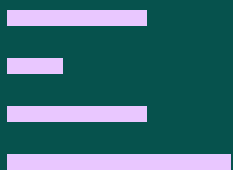
The authors recognize that some counties planning a CARE Court may use agencies or community-based organizations not mentioned in this document. The goal of this document is to ensure CARE Court professionals understand their role, responsibilities, and accountability as well as the common issues and concerns that impact their role. Hopefully, agencies and community-based organizations not specifically mentioned in this document will find commonality in their roles, responsibilities, and accountability as referenced in this document.



## Endnotes

- [1] Welfare and Institutions Code §§ 5970–87
- [2] CARE Court Implementation: Identifying Core Practices - Center for Justice Innovation
- [3] Court Review: Volume 44, Issue ½, Procedural Justice and the Courts - UNL Digital Commons
- [4] [www.innovatingjustice.org/wp-content/uploads/2017/07/Procedural-Justice-Resource-Guide.pdf](http://www.innovatingjustice.org/wp-content/uploads/2017/07/Procedural-Justice-Resource-Guide.pdf)
- [5] Legislative revision to the CARE Court Act could impact the current diagnostic criteria.

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