

January 26, 2023

Judicial Council of California
455 Golden Gate Ave.
San Francisco, CA 94102
Submitted via invitations@jud.ca.gov

Re: W23-10 – Rules and Forms: Community Assistance, Recovery, and Empowerment Act

To the Probate and Mental Health Advisory Committee,

The undersigned organizations write to address the proposal of the Probate and Mental Health Advisory Committee to adopt rules and forms implementing the CARE Act (Senate Bill 1338, Stats. 2022, ch. 319). The comments below directly address the needs of nonminor dependents who remain under the jurisdiction of the juvenile court from age 18 up to age 21 and the procedural safeguards that are needed to protect nonminor dependents who become consumers of the CARE court.

Nonminor dependents (NMDs) are still achieving developmental milestones during a period of growth marked by identity exploration, instability, self-focus, feelings of being “in-between,” and optimism for the future. Research shows that their brain development is still occurring until the age of 25. The California Legislature has recognized that youth should be in the least restrictive setting as possible whenever possible, and other efforts are underway to encourage cross-system collaboration and critical behavioral health reforms through state initiatives, including CalAIM and the CYBHI. On the justice side, the Legislature passed SB 823 (2020) that shuttered the Division of Juvenile Justice and realigned those programs to the local levels while creating the Office of Youth and Community Restoration to help inform rehabilitative and restorative youth practices and to develop and expand local youth diversion opportunities, among others.

With this strong support framework in place to provide developmentally appropriate and early intervention supports to transition age youth across the state, referrals of nonminor dependents to their county’s CARE Court should be rare. When referrals do occur, however, the ensuing procedures should be integrated with the juvenile court orders and services that are already in place for those young people.

Accordingly, we recommend that the proposed rules and forms be amended to ensure, when the respondent is a nonminor dependent, that the juvenile court with jurisdiction, the county placing agency, and the nonminor dependent’s juvenile court-appointed counsel receive notice of any CARE court proceedings. The nonminor dependent’s attorney, in particular, should be able to participate in such proceedings on the nonminor dependent’s behalf (if retained by the nonminor dependent for such purpose) and access CARE court records. With proper notice and access, the juvenile court and the nonminor dependent’s case worker and

court-appointed dependency or delinquency counsel are in a strong position to engage a nonminor dependent in voluntary services, share (with the NMD's and, if required by Welfare and Institutions Code 827, the court's permission) information about mental health services that the nonminor dependent is already receiving, and generally ensure for coordination of care and consistency in court orders, if multiple courts have jurisdiction over a nonminor dependent.

We recommend that the following rules and forms be amended to ensure notice to the parties described above:

- Rule 7.223(b)(1)
- Rule 7.2235(a)(1)&(4), (b)(1), (c)(1)
- Form CARE-100, Optional Information (include a paragraph for petitioners to select whether the respondent is under juvenile court jurisdiction, if known)
- Form CARE-105, para. 4
- Form CARE-106, Proof of Service, para. 4
- Form CARE-111, Proof of Service, para. 4
- Form CARE-115, Proof of Service by Mail, para. 5

Further, we recommend that the Form CARE-060 be modified to include guidance specific to nonminor dependents, including a recommendation that nonminor dependent respondents should speak with their court-appointed counsel to understand how the different court and attorney roles differ or overlap.

We appreciate the opportunity to provide feedback and propose modifications that will maximize opportunities for coordination of care and consistency in court orders. Please contact Sabrina Forte at sforte@alliancecpr.org or (209) 938-7033 for questions or to schedule a time to discuss our comments.

Sincerely,

Sabrina Forte, Alliance for Children's Rights

Lishaun Francis, Children Now

Adrienne Shilton, California Alliance for Child and Family Services

Jevon Wilkes, California Coalition for Youth