

COUNTY OF SONOMA
BOARD OF SUPERVISORS

575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403

(707) 565-2241
FAX (707) 565-3778



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July 12, 2022

Honorable Mark Stone, Chair
Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

Honorable Jim Wood, Chair
Assembly Health Committee
1020 N Street, Room 390
Sacramento, California 95814

RE: SB 1338 (Umberg & Eggman): Community Assistance, Recovery, and Empowerment (CARE) Court Program – CONCERNS

Dear Assemblymember Stone and Assemblymember Wood:

On behalf of the Sonoma County Board of Supervisors, we respectfully request your consideration of the County's concerns with SB 1338 (Umberg & Eggman) to ensure the success of the Governor's CARE Court proposal.

CARE Court would establish a new civil court process to engage individuals living with psychotic disorders into treatment. Counties would play a key role in implementation under SB 1338 as the state's partners in providing behavioral health and social services. The following recommendations are offered to assist with implementing the CARE Court framework at the local level in a practical and achievable manner.

- **Phased-In Implementation:** We believe the path to success for our county and – more importantly – for those who stand to benefit from CARE Court must be grounded in an incremental phase-in model, such as a readiness-based implementation schedule in which counties most prepared to implement are the first adopters. For our county, we would prefer to be included in a later phase.
- **Sanctions:** Sanctions should be reserved for deliberate and chronic deficiencies and should be imposed only after meaningful engagement within the existing regulatory framework along with the appropriate procedural safeguards. We support modeling the process adopted in Assembly Bill 101 (Statutes of 2019) for jurisdictions that fail to comply with their obligations under state housing laws. In addition, sanctions should not begin until after the program has been fully funded and implemented.
- **Housing:** Housing is foundational for addressing homelessness and a critical component in the successful treatment of those with severe mental illness. To ensure that the state's recent housing investments are available to serve the CARE population, we support recent amendments allowing the Superior Court to order housing providers that have received specified state funds to accept placement of CARE participants at any available housing option or program as clinically appropriate.
- **Resources:** The CARE Court program includes new responsibilities and obligations imposed on counties that require additional resources and ongoing funding, likely in the hundreds of millions of dollars. Adequate and sustainable funding as well as start-up funding is required across multiple departments, including

county behavioral health, public defender, county counsel, public guardians and conservators, and county social services.

- Fiscal Protections: The CARE Court proposal must provide protections to counties for any new responsibilities and costs. To ensure our county has the appropriate long-term resources, we recommend fiscal provisions that preserve current funding and services while also providing a mechanism for determining and providing supplementary annual funding for new activities and duties required by SB 1338.

Thank you for your consideration of our concerns regarding funding, a phased-in implementation, sanctions, and housing. We respectfully urge your August committees to continue working with Sonoma County as SB 1338 moves through the policy process to ensure success for CARE Court implementation and the people we serve. Should you have any questions about our concerns and local implementation challenges, please contact me or Marissa Montenegro, Sonoma County Legislative and Intergovernmental Affairs Manager at Marissa.montenegro@sonoma-county.org.

Sincerely,

JAMES GORE, Chair
Sonoma County Board of Supervisors

cc: Honorable Members of the Assembly Judiciary Committee
Honorable Members of the Assembly Health Committee
Honorable Bill Dodd, California State Senate
Honorable Mike McGuire, California State Senate
Honorable Marc Levine, California State Assembly
Honorable Cecilia Aguiar-Curry, California State Assembly
Honorable Thomas J. Umberg, California State Senate
Honorable Susan Eggman, California State Senate
Leora Gershenson, Deputy Chief Counsel, Assembly Judiciary Committee
Judy Babcock, Senior Consultant, Assembly Health Committee
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Marjorie Swartz, Policy Consultant, Office of pro Tem Atkins
Daryl Thomas, Judiciary Consultant, Republican Caucus
Gino Folchi, Health Consultant, Republican Caucus
Ana Matosantos, Cabinet Secretary, Office of Governor Newsom
Jason Elliott, Senior Counselor, Office of Governor Newsom
Kim McCoy Wade, Senior Advisor, Office of Governor Newsom
Jessica Devencenzi, Deputy Legislative Secretary, Office of Governor Newsom
Sonoma County Board of Supervisors
Graham Knaus, Executive Director, California State Association of Counties
Paul Yoder & Karen Lange, Shaw Yoder Antwih Schmelzer & Lange