



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 26-013

January 27, 2026

Introduced: 1/6/2026

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Designate and authorize the Public Defender, Chief Assistant Public Defender, Assistant Public Defender, or Designee to retroactively execute a Funds Agreement with The State Bar of California for a three-year period of July 1, 2025-June 30, 2028, for the Community Assistance, Recovery, and Empowerment (CARE) Court Program for the purpose of providing legal representation in CARE Act proceedings, matters related to CARE agreements, and matters related to CARE plans; and
- b. Authorize the Public Defender's Office to receive \$168,156 from the State Bar of California for the initial CARE Court funding period of July 1, 2025-January 1, 2027.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Designate and authorize the Public Defender, Chief Assistant Public Defender, Assistant Public Defender, or Designee to retroactively execute a Funds Agreement with The State Bar of California for a three-year period of July 1, 2025-June 30, 2028, for the Community Assistance, Recovery, and Empowerment (CARE) Court Program for the purpose of providing legal representation in CARE Act proceedings, matters related to CARE agreements, and matters related to CARE plans; and
- b. Authorize the Public Defender's Office to receive \$168,156 from the State Bar of California for the initial CARE Court funding period of July 1, 2025-January 1, 2027.

SUMMARY:

In 2025, Assembly Bill No. 102 (A.B. 102) allocated \$15,750,000 for the Community Assistance, Recovery, and Empowerment (CARE) Court Program (Welfare and Institutions Code sections 5970-5987). This funding was to be distributed by the Judicial Council of California, through The State Bar of California, via grant awards to qualified legal services projects, with any unawarded funds distributed to public defenders to provide legal counsel and representation in CARE Act proceedings, matters related to CARE agreements, and matters related to CARE plans. The State Bar of California has issued to the County of Monterey Public Defender's Office a three-year Funds Agreement spanning July 1, 2025-June 30, 2028, with funding provided annually. The Public Defender's Office has been allocated \$168,156 for the first annual funding period of July 1, 2025-January 1, 2027. Subsequent budget acts may provide funding for years two and/or three, with no additional funding guaranteed beyond the first annual funding period.

DISCUSSION:

Senate Bill No. 1338 was enacted in 2022, creating the Community Assistance, Recovery, and Empowerment (CARE) Court Program (Welfare and Institutions Code sections 5970-5987), as amended in 2023 by Senate Bill No. 35. The CARE Court Program is a civil court process designed

to help adults with severe mental illness access treatment, housing, and supportive services in the community. This program authorizes eligible petitioners (family members, clinicians, first responders, and other advocates) to seek judicial intervention for individuals (respondents) suffering from mental health conditions that place them at substantial risk of deterioration or impaired functioning. Upon finding that statutory criteria are met, the court may approve a voluntary CARE agreement or a court-ordered CARE plan for the respondent, outlining recommendations for appropriate treatment and support services. This process creates a pathway for eligible adults to achieve long-term stability and independence, while also preventing more restrictive alternatives such as conservatorships, incarceration, and hospitalizations.

On December 1, 2024, the County of Monterey implemented the CARE Court Program in alignment with state-mandated timelines. Per CARE Court legislation, every CARE Court respondent has the right to legal representation regardless of ability to pay, and the Public Defender's Office ensures that this right is upheld. The Public Defender's Office protects the CARE Court respondent's due-process rights, helps respondents understand the proceedings, advocates for respondent's wishes and best interests, collaborates with treatment providers, and ensures all interventions remain least-restrictive, rights-preserving, and focused on stabilizing the individual in the community.

A.B. 102 was enacted in 2025 and allocated \$15,750,000 to be distributed by the Judicial Council of California through The State Bar of California via grant awards to qualified legal services projects, with any unawarded funds distributed to public defenders to provide legal counsel representation in CARE Act proceedings, matters related to CARE agreements, and matters related to CARE plans. Pursuant to A.B. 102, The State Bar of California has issued to the Public Defender's Office a three-year Funds Agreement with a service period of July 1, 2025-June 30, 2028. The annual California Budget Act and the Fee Schedule Act provide for annual funding during this three-year service period, with A.B. 102 providing funding in the amount of \$168,156 for the first annual funding period of July 1, 2025-January 1, 2027. Subsequent budget acts may provide funding for years two and/or three, with additional funding contingent upon authorization of additional State of California statutes.

The funding allocated in this Funds Agreement shall allow the Public Defender's Office to continue to provide legal counsel representation in CARE Act proceedings, matters related to CARE agreements, and matters related to CARE plans, consistent with legislative mandates. This Funds Agreement requires retroactive execution due to delays experienced by The State Bar of California in administering the three-year Funds Agreement and associated first year funding.

OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:

County Counsel's Office and the Auditor-Controller's Office have reviewed and approved as to form.

FINANCING:

As the allocation occurred after the adoption of the Fiscal Year (FY) 2025-26 Budget, the associated revenue and expenditures are not included in the Office of the Public Defender's current operational budget. The department will evaluate the need to increase revenue and appropriations and will return to the Budget Committee if necessary.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

This item advances Strategic Goal A (Well-Being and Quality of Life) and Strategic Goal C (Safe and Resilient Communities) by securing state funding that ensures legally mandated representation for individuals participating in the CARE Court Program. By authorizing this item, the County strengthens access to justice, protects due-process rights for adults with severe mental illness, and supports community-based treatment and stabilization. This funding enhances essential justice-focused services, promotes health and well-being, and contributes to safer, more stable communities.

- ☒ Well-Being and Quality of Life
- ☐ Sustainable Infrastructure for the Present and Future
- ☒ Safe and Resilient Communities
- ☐ Diverse and Thriving Economy
- ☐ Administrative

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Attachments:

Attachment A: CARE Court Funds Agreement