September 1, 2022

The Honorable Governor Gavin Newsom
California State Capitol
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 1338 (UMBERG) – CARE Court: VETO REQUEST

Dear Governor Newsom,

On behalf of our organizations and our clients and constituents, we respectfully request your veto of SB 1338 due to the many negative
consequences that will result from the creation of CARE Court – a new civil court system that will lower the legal standard to order mental health treatment against the wishes of a person with a disability. Collectively, we advance and protect the civil rights of Californians living with disabilities, experiencing houselessness, including Black, Indigenous, Latinx, and other People of Color, LGBTQ+ and others who will be disparately impacted by CARE Court and have maintained strong opposition to SB 1338.1 CARE Court will violate bedrock due process, constitutional and disability rights.

Without input from its intended beneficiaries, CARE Court was rolled out by your administration in March 2022. As former United States Senator Tom Harkin, co-author of the Americans with Disabilities Act, remarked: “Since the CARE Court proposal is designed to improve the lives of people with significant mental health disabilities, it is critically important that this population be engaged, respected and listened to on the issue of how best to help them.”2 Throughout this legislative cycle, neither the authors nor your administration have listened to or addressed the mounting concerns and criticism from impacted people.3,4,5

We understand that you are trying to address the growing homelessness and mental health crises in California, but CARE Court is not the solution. In fact, CARE Court is likely to do real harm to the populations you are trying to help. By targeting people with schizophrenia and other psychotic disorders, studies show Black, Indigenous and People of Color will be

1 Disability Rights California and Advocates Letters to the Legislature and Governor in Opposition to SB 1338, available online at: https://www.disabilityrightsca.org/latest-news/disability-rights-california-information-on-care-court#letters "Return to Main Document"

2 Former United States Senator Tom Harkin. Op-Ed: Gov. Newsom, Listen to Disabled People and Rethink CARE Court, California Black Media, available online at: (currently being published) “Return to Main Document”


disproportionately affected by this new program. A court system mandated to oversee the mental health treatment of people will be traumatizing and will set back decades of recovery tools designed to help those most marginalized.

CARE Court should not be an end run around reform to the Lanterman-Petris-Short Act (LPS). Disability Rights California has offered necessary recommendations for LPS improvement to better address the needs of people with mental health disabilities.

Notably, proponents of CARE Court rely on false premises – that people are rejecting offers of housing; that access to behavioral health services based on one evaluation will solve a person’s mental health disabilities; and, that a civil court is the least restrictive setting. In reality, low-cost housing stock is at a near record low and affordable housing options have years-long waitlists of people desperate for a home. Recovery takes more than clinical appointments with court dates and in fact, recovery is primarily found to be successful when accessible, affordable housing is combined with community-based treatment settings, surrounded by peers, and provided through voluntary, accessible means. When a person is faced with defending their case before a judge without agency over their own care, the least restrictive setting is not court. Finally, CARE Court will contribute to the re-institutionalization of people with disabilities, repeating a horrific history of civil rights abuses.

CARE Court is a costly mistake, diverting resources from people who need housing and services. This court system is likely to cost in excess of billions of dollars as estimated by the Assembly Appropriations Committee recognizing the figures offered by the counties in California. This state mandate will fail to deliver on what it promises to accomplish and will divert resources from other urgently needed programs.

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As well intentioned as CARE Court may be, it will inevitably harm and stigmatize people with mental health disabilities, especially people within communities of color and members of the LGBTQIA+ community. CARE Court is exploitative of poor people who need mental health care and will create a chilling effect preventing people from seeking treatment and care. This bill runs contrary to the positive direction the Legislature had taken in the last few years by funding more community-based mental health care treatment centers, by increasing housing funds for extremely low-income Californians, and by decreasing the presence of law enforcement and court involvement in mental health crises. For these reasons, we oppose SB 1338 and respectfully urge you to veto the bill.

Sincerely,

Andrew J. Imparato
Executive Director
Disability Rights California

Glenn Backes, MSW, MPH
Policy Consultant
American Civil Liberties Union
California Action

Cynthia Castillo
Policy Advocate
Western Center on Law and Poverty

Rebecca Gonzales
Dir. Of Gov. Relations and Political Affairs, National Assoc. of Social Workers - CA

Claudia Center
Legal Director
Disability Rights Education & Defense Fund (DREDF)

Mari Castaldi
Senior Legislative Advocate
Housing California

Sharon L. Rapport
Dir., California State Policy Corporation for Supportive Housing (CSH)

Paul Boden
Executive Director
Western Regional Advocacy Project (WRAP)

Andrea Wagner
Interim Executive Dir.
CA Assoc. of Mental Health Peer Run Orgs.

Ira Burnim
Legal Director
Bazelon Center

Kim Lewis
Managing Attorney
National Health Law Program

Michael Bien, Partner
Rosen Bien Galvan & Grunfeld LLP
Asha Albuquerque  
Lead Attorney  
Law Foundation of Silicon Valley

Sasha Ellis  
Senior Attorney  
Bay Area Legal Aid

Frank SmithWaters  
Director  
The SmithWaters Grp.

Karen Hernández  
Lead Organizer  
People’s Budget  
Orange County

David Duran  
David Duran, Co-Founder  
Housing is a Human Right  
Orange County (HHROC) &  
People’s Homeless Task Force-OC

Jael Barnes  
Pretrial Justice Organizer  
Decarcerate Sacramento

Stacie Hiramoto, MSW  
Director  
Racial & Ethnic Mental Health Disparities Coalition (REMHDCO)

Eric Tars, Legal Director  
National Homelessness Law Center

Kelechi Ubozoh  
Kelechi Ubozoh  
(Individual)

David Mauroff, CEO  
San Francisco Pretrial Diversion Project

Khalil Ferguson, Secretary  
California Democratic Party Black Caucus Legislative Committee

Tak Allen, Chair  
CDP Black Caucus Leg. Committee

Bob Erlenbusch  
Executive Director  
Sacramento Regional Coalition to End Homelessness

Amanda Andere  
CEO  
Funders Together to End Homelessness

Larry Dodson  
Pastor  
New Life Ministries of Tulare County

Tony Chicotel  
California Advocates for Nursing Home Reform

Paula Lomazzi  
Executive Director  
Sacramento Homeless Organizing Committee

Stuart Seaborn  
Managing Dir., Lit. Disability Rights Advocates
Maribel Nunez  
Executive Director  
Inland Equity Partnership

Melissa A. Morris  
Staff Attorney  
Public Interest Law Project

Jessica Lehman  
Executive Director  
Senior & Disability Action

Pavithra Menon  
Supervising Attorney  
Mental Health Advocacy Services (MHAS)

Heidi L. Strunk  
President and CEO  
Mental Health America of California

Katherine Pérez  
Director  
The Coelho Center for Disability Law, Policy & Innovation

Kara Chien  
Kara Chien, Managing Attorney  
Mental Health Unit  
San Francisco Public Defender’s Office

Jordan Kough  
Executive Director  
Disability Rights Legal Center

Paul Simmons  
Executive Director  
Depression and Bipolar Support Alliance – CA

Yasmin Peled  
Senior Policy Advocate  
Justice in Aging

Emily Harris  
Policy Director  
Ella Baker Center for Human Rights

Matt Gallagher  
Assistant Director  
Cal Voices

Andrea Rivera  
Senior Legislative Advocate  
California Pan-Ethnic Health Network (CPEHN)

Arnold Sowell, Jr.  
Executive Director  
NextGen California

Sally Zinman  
Long time Consumer/client/survivor advocate

Dan Okenfuss  
Public Policy Manager  
California Foundation for Independent Living Centers

Rhonda Smith  
Executive Director  
California Black Health Network

Catherine A. Rodman, Esq., Director  
Affordable Housing Advocates
Camilo Pérez-Bustillo  
Executive Director  
National Lawyers’ Guild  
San Francisco Bay Area Chapter

Mehrsa Imani  
Director of Advocacy & Leadership  
San Diego Housing

Monique Berlanga  
Executive Director  
Centro Legal de la Raza

Courtney Poole  
Showing Up for Racial Justice  
Sacramento

Vera Calloway  
Founder  
Calloway Holistic Peer Concepts

cc: Honorable Toni Atkins, President pro Tempore, California State Senate  
Honorable Anthony Rendon, Speaker, California State Assembly  
Dr. Mark Ghaly, Secretary, California Health & Human Services Agency  
Stephanie Welch, Deputy Secretary of Behavioral Health, California Health & Human Services Agency  
Tam Ma, Deputy Legislative Secretary, Office of Governor Newsom  
Jessica Devencenzi, Office of Governor Newsom  
Christy Bouma, Legislative Affairs Secretary, Office of Governor Newsom  
Kim McCoy Wade, Senior Advisor on Aging, Disability, and Alzheimer’s, Office of Governor Newsom  
Corrin Buchanan, Deputy Secretary for Policy and Strategic Planning, California Health & Human Services Agency