



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”](#)

³ Los Angeles Times Editorial Board: The false promise of Gov. Gavin Newsom’s CARE courts, LA Times, available online at: [Editorial: The false promise of Gov. Gavin Newsom's CARE courts - Los Angeles Times \(latimes.com\)](#) (dated July 26, 2022). [“Return to Main Document”](#)

⁴ San Francisco Chronicle Editorial: Don’t count on Newsom’s CARE Courts to save San Francisco, San Francisco Chronicle, available online at: [Editorial: Don't count on Newsom's CARE Courts to save San Francisco \(sfchronicle.com\)](#) (dated July 31, 2022). [“Return to Main Document”](#)

⁵ Kang, Jay Caspian. Op-Ed: California’s Fight Against Homelessness Has Turned Desperate and Dangerous, New York Times, available online at: [Opinion | California's Fight Against Homelessness Has Turned Desperate and Dangerous - The New York Times \(nytimes.com\)](#) (dated June 27, 2022). [“Return to Main Document”](#)

disproportionately affected by this new program.^{6,7,8} 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.⁹

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.

⁶ Kate Cimini, Black people disproportionately homeless in California, Cal Matters, October 5, 2019 (updated February 27, 2021) (<https://calmatters.org/california-divide/2019/10/black-people-dispropor...>). [“Return to Main Document”](#)

⁷ Robert C. Schwartz, Ph.D., et al., Racial disparities in psychotic disorder diagnosis: A review of empirical literature, World Journal of Psychiatry 2014: 4:4, 133-140. [“Return to Main Document”](#)

⁸ California Health Care Foundation, Health Disparities by Race and Ethnicity in California: Pattern of Inequity (October 2021) at 33 (<https://www.chcf.org/wp-content/uploads/2021/10/DisparitiesAlmanacRaceE...>). [“Return to Main Document”](#)

⁹ Disability Rights California’s Position Statement on the Lanterman-Petris-Short Act, available online at: [Disability Rights California’s Position Statement on the Lanterman-Petris-Short Act | Disability Rights California](#) (dated December 14, 2021). [“Return to Main Document”](#)

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,




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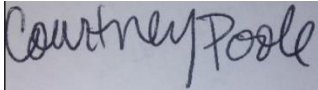


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cc: Honorable Toni Atkins, President pro Tempore, California State Senate
Honorable Anthony Rendon, Speaker, California State Assembly
Dr. Mark Ghaly, Secretary, California Health & Human Services Agency
Stephanie Welch, Deputy Secretary of Behavioral Health, California
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