



**COUNTY OF LOS ANGELES
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May 22, 2026

Via Drop Box

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Halsey:

**COUNTY OF LOS ANGELES' WRITTEN COMMENTS
IN SUPPORT OF THE COUNTY OF SANTA CLARA'S
CARE ACT COUNTY LEGAL COUNSEL TEST CLAIM, 25-TC-02**

The County of Los Angeles submits the attached Comments in support of the County of Santa Clara's Test Claim on *CARE Act County Legal Counsel, 25-TC-02*.

If you have any questions please call me, or your staff may contact Fernando Lemus at (213) 974-0324 or via e-mail at flemus@auditor.lacounty.gov.

Very truly yours,

Oscar Valdez
Auditor-Controller

OV:CY:RA:EW:RC:FL

Attachments

**Written Comments on Test Claim 25-TC-02
CARE Act County Legal Counsel
Filed by County of Santa Clara (February 9, 2026)
Notice of Complete Test Claim Issued March 10, 2026**

Pursuant to Cal. Code Regs., tit. 2 §§ 1183.2 et seq., the County of Los Angeles (“County”) respectfully submits this written comment regarding the above-referenced Test Claim. The County has reviewed the County of Santa Clara’s Test Claim and agrees with and adopts and incorporates by reference all legal analyses set forth therein concerning the existence of a reimbursable state mandate under Article XIII B, section 6 of the California Constitution.

The County of Los Angeles has incurred similar mandated costs related to the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act. Since its development and initial implementation in 2024 and continuing through the establishment and operation of CARE Act Court, the County has experienced steadily increasing legal costs associated with these mandated activities.

Reimbursement for these new and additional costs is critical to the effective implementation of the CARE Act. At present, the County has assumed substantial responsibilities associated with implementation, including representing the agency in the preparation and filing of all required documents; providing guidance regarding procedural requirements and case processes; training agency personnel; drafting CARE petitions and notices; participating in meetings with justice partners; and providing court representation where necessary, among other duties, without receiving additional funding for these new activities. (See Declaration of Clark, p. 1-3.) The imposition of these additional mandatory responsibilities, without corresponding funding, places the County in an untenable position. The specific obligations outlined above are mandated under existing law, including, but not limited to, Cal. Welf. & Inst. Code §§ 5977, 5977(b)(2), 5977.1(d)(1), 5977.1(d)(2), 5977.2, 5977.2(a)(1), 5977.3(a)(2), 5978, and 5983, as well as California Probate and Mental Health Rule 7.2235.

To date, the County has incurred approximately \$2,541,351 in unreimbursed CARE Court-related costs since the implementation of the CARE Act. (*Ibid at p.4.*) The County incurred \$528,065 during Fiscal Year (FY) 2023-24 for implementation of the program, \$1,043,937 during FY 2024-25, and approximately \$969,348 in FY 2025-26 through April 2026. (*Ibid.*) The FY 2025-26 through April 2026 figure reflects partial year expenditures and does not necessarily capture all unreimbursed costs expected to be incurred through the remainder of the fiscal year.

The County anticipates continued growth in CARE Court-related caseloads and corresponding operational expenditures over the upcoming fiscal years. These projections are based, in part, on guidance received from the Office of the Governor in a March 2, 2026, correspondence indicating that the statewide average for CARE Act petitions is currently 6.2 petitions per 100,000 residents. (See Office of the Governor, p. 1-2)

Using the Governor's statewide average beginning in FY 2025-26 and Los Angeles County's population of 9,694,934 residents per the July 2025 Census, the County projects that petition rates will increase annually at approximately the same rate experienced in prior years. The County assumes growth from 4 petitions per 100,000 residents in 2025 to 6.2 petitions per 100,000 residents in 2026, reflecting an annual increase of 2.2 petitions per 100,000 residents. Applying this growth rate, the County projects 8.4 petitions per 100,000 residents in 2027 and 10.6 petitions per 100,000 residents in 2028.

The County had 326 CARE Court cases in FY 2023-2024 and projects approximately 601 CARE Court cases in FY 2025-26, 814 cases in FY 2026-27, and 1,028 cases in FY 2027-28. Corresponding projected operational costs are estimated at \$2,016,631 for FY 2025-26, \$2,785,971 for FY 2026-27, and \$3,694,321 for FY 2027-28.

The County concurs with the County of Santa Clara's Test Claim that the CARE Act imposes new programs and higher levels of service on counties. The mandated legal counsel activities are compelled, necessary, and non-discretionary. The County agrees that no applicable exception under Government Code section 17556 or Article XIII B applies. Finally, existing reimbursement mechanisms are insufficient and do not cover actual legal counsel costs.

For these reasons, the County respectfully requests that the Commission on State Mandates find that the State must reimburse counties for the legal costs they incur in complying with CARE Act requirements.

DECLARATION OF CARRIE CLARKE

1
2 1. I, Carrie Clarke, am an attorney licensed to practice law in the State of California. I
3 am authorized and competent to make this declaration. The facts set forth herein are based on my
4 personal knowledge, except where stated on information and belief, and as to those matters, I
5 believe them to be true.

6 2. In my role as a Senior Deputy County Counsel and as the lead attorney for CARE
7 Court, I represent and advise the Department of Mental Health (“DMH”) for the County of Los
8 Angeles (“County”) in all aspects of the Community Assistance, Recovery, and Empowerment
9 (CARE) Act. I have been in this role since the passage of the CARE Act.

10 3. In the County, we have two courtrooms and judges that preside over CARE cases.
11 We have approximately six attorneys, including myself, and two paralegals that are tasked with
12 carrying out the County's responsibilities under the CARE Act.

13 4. In the County, since the inception of the CARE program, we have had 1,034
14 petitions filed and currently have approximately 600 active cases.

15 5. The tasks that I personally handle on behalf of DMH related to the CARE Act
16 process include the following:

17 a. Representation of DMH in the preparation and filing of all documents including
18 reports, service documents, CARE agreements and plans. *Cal. Welf. & Inst. Code § 5977*

19 b. Representation of DMH during all hearings required by the CARE Act,
20 including the preparation of expert witnesses for testimony, providing advice on testimony for
21 DMH clinicians, presenting additional evidence, and examination of other witnesses. I also
22 provide counsel to DMH during evidentiary hearings and all other hearings required under the
23 CARE Act. *Cal. Welf. & Inst. Code §, §§ 5977.1(d)(1), 5977.1(2), 5977.3(a)(2)*

24 c. Representation and guidance to DMH staff on the procedural process and steps
25 for each case, preparation of DMH staff for all cases with all upcoming hearings, review and
26 advice on reports required, and statutory deadlines for filing and service. *Cal. Welf. & Inst. Code*
27 *§5977.2, §§ 5977.2(a)(1), 5977.3(a)(1).*

1 d. Advising and training DMH staff on statutory obligations related to the CARE
2 Act, including advising on the development of training material and overview of the statutory
3 scheme, notice and service requirements, content required in reports, DMH's obligations under
4 CARE Agreements and CARE Plans. *Cal. Welf. & Inst. Code §5977, §§ 5977(b)(2),*
5 *5977.1(b)(3)(A), 5983*

6 e. Advising on drafting of templates for all reports for various hearings required by the
7 CARE Act and advising DMH on any legal or factual issues that arise on a case-by-case basis.
8 *Cal. Welf. & Inst. Code § 5977.2*

9 f. Conducting training for DMH staff and clinicians regarding all aspects of CARE
10 proceedings, report writing, statutory rules, evidentiary hearings, courtroom expectations and case
11 related inquiries. *Cal. Welf. & Inst. Code § 5983*

12 g. Advising on the preparation and drafting of all legal documents for the CARE process,
13 including proposed orders, CARE Agreements and CARE Plans, notices of hearing and proofs of
14 service. *Cal. Welf. & Inst. Code § 5977, §§ 5977.1-5977.3*

15 h. Advising on the requirements of personal service, substitute service, and the drafting of
16 declarations for substitute service of respondents. *Cal. Welf. & Inst. Code § 5977, CA Probate &*
17 *Mental Health Rule 7.2235*

18 i. Advising and overseeing the drafting of all CARE petitions filed by DMH. *Cal. Welf. &*
19 *Inst. Code § 5975*

20 j. Participating in meetings required to support the work required by the CARE Act,
21 including meetings with all justice partners and the court. Participating in meetings with DMH to
22 address and advise on the CARE Act and individual case issues and concerns. *Cal. Welf. & Inst.*
23 *Code § 5977*

24 k. Providing legal analysis regarding case specific factual circumstances, including CARE
25 referrals from the criminal courts and mental health courts, step- down cases from LPS
26 Conservatorships, level of care issues, State Hospital petitions, CDCR petitions, funding and SSI
27 issues, and Regional Center eligibility. *Cal. Welf. & Inst. Code § 5978*

28

1 1. Drafting notices and service documents, overseeing the personal service of Respondents
2 with legal notices for the next hearing, as needed, in court. *Cal. Welf. & Inst. Code § 5977, CA*
3 *Probate & Mental Health Rule 7.2235*

4 m. Ensuring that all legal notices and proofs of service are correctly prepared, served, and
5 filed with the Court on a timely basis. *Cal. Welf. & Inst. Code § 5977, CA Probate & Mental*
6 *Health Rule 7.2235*

7 6. I also handle any CARE Act work that comes from other county departments, such
8 as drafting and filing the CARE Petitions requested by the Public Guardian and advising on those
9 cases where a step down is appropriate.

10 7. In addition to my direct work on CARE, I also oversee the work of and provide
11 guidance to two paralegals that are responsible for preparing documents for service and for filing
12 with the court. I personally review all the documents that are prepared for filing related to CARE
13 cases. The paralegals are responsible for ensuring that the legal files are maintained, and ensure
14 that legal notices, reports and petitions are served as required by law. They also ensure that all
15 documents are timely filed with the court. They also finalize for filing all DMH CARE petitions.

16 8. Under my direction, the paralegals have e-filed over 13,000 separate legal
17 documents with the court for CARE Act cases since December 2024. This is work that was not
18 previously required to be completed by DMH or County Counsel.

19 9. The processes required for legal notice, proof of service, and the filing with the
20 court of these documents as well as all the reports required by the CARE Act is extremely
21 intensive and time-consuming. All proof of personal service on the respondent, proof of service
22 for all other parties, and reports for each hearing must be filed with the court.

23 10. These tasks are required for the County to comply with the CARE Act and are not
24 discretionary. None of the above-described work was work that I performed or was required to
25 perform prior to the passage of the CARE Act.

26 11. It is the policy of my office that attorneys must track their time in a minimum
27 increment of one-quarter of an hour. As such, I have diligently tracked all my time working on
28 CARE Act specific work since the law was passed. As of May 1 2026, based on the customary

1 hourly rate charged by County Counsel, the County of Los Angeles has incurred a total of
2 \$854,516.87 in costs associated with my work performing the legally compelled functions
3 required by the CARE Act's implementation and operation. The total amount that Los Angeles
4 County has incurred is \$1,686,833.93 in costs associated with the work performed by the other
5 attorneys required by the CARE Act's implementation and operation.

6 12. The amount of time that I am spending on CARE Act tasks has been increasing
7 substantially as the number of filed petitions in the County has been increasing. For example, for
8 the month of January 2026, 55 new petitions were filed; in February 2026, 63 new petitions were
9 filed; and in March and April 2026, 71 new petitions were filed. This in turn has increased my
10 workload and the amount of time I spend on CARE Act related work. I anticipate that the CARE
11 Act workload will continue to increase for our paralegals and me.

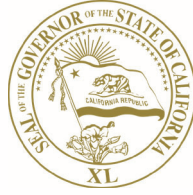
12 13. The current hourly rate of a Senior Deputy for the County of Los Angeles Counsel
13 is \$333.96/hour per hour depending on the fiscal year in which the activity occurred.

14 14. The two paralegals assigned to support the CARE Act assignment spend
15 approximately 85-95% of their time working on CARE related tasks. The current hourly rate of a
16 paralegal and a supervising paralegal to the County are \$130.54 and \$162.17 respectively.

17 15. The County has incurred mandated costs related to these activities and it is
18 anticipated that the monthly cost for County Counsel support for CARE will continue to increase
19 as the caseload increases.

20 16. The County handled approximately 188 CARE Court matters during Fiscal Year
21 2023–2024, approximately 326 CARE Court matters during Fiscal Year 2024–2025, and
22 approximately 519 CARE Court matters through April 2026 reflecting an average caseload
23 increase of 66.3 percent.

24 17. To date, the County of Los Angeles has incurred approximately \$2,541,350.80 in
25 unreimbursed CARE Court-related costs since the implementation of the CARE Act. During
26 Fiscal Year 2023–2024, the County of Los Angeles incurred approximately \$528,065. During
27 Fiscal Year 2024–2025, the County of Los Angeles incurred approximately \$1,043,937. During
28 Fiscal Year 2024–2025, the County of Los Angeles incurred approximately \$969,348.



OFFICE OF THE GOVERNOR

March 2, 2026

Dear Chair Solis,

The Community Assistance, Recovery, and Empowerment (CARE) Act is a vital tool to help people living with untreated schizophrenia and other psychotic disorders access treatment, stability, and housing before crisis turns to tragedy. It is a cornerstone of our broader effort to modernize California's behavioral health system and confront homelessness after decades of systemic failure.

Across California, individuals with untreated psychosis are 10 times more likely to experience homelessness and 16 times more likely to be incarcerated. Too often, they cycle through jails and emergency rooms instead of receiving sustained care. The CARE Act creates a court-supervised pathway to coordinated treatment and housing — transforming emergency response into long-term recovery.

Counties are required by law to serve as the behavioral health safety net and to implement CARE Court. The state reimburses counties for the intensive outreach required, and the statute provides civil court oversight to ensure services reach those with the greatest need. Your first responders, hospital partners, and outreach teams already know who these individuals are. The CARE Act gives them the authority to act.

Implementation, however, has varied significantly across the state. **Based on early performance data, your county is part of the CARE Improvement and Coordination Unit (ICU) cohort. Your performance data will be available to the public on accountability.ca.gov.** In 2025, Los Angeles County submitted an average of 4 petitions per 100,000 residents compared to the statewide

average of 6.2 petitions per 100,000 residents. This gap is significant — and concerning — especially as counties both urban and rural across the state implement this program with incredible success.

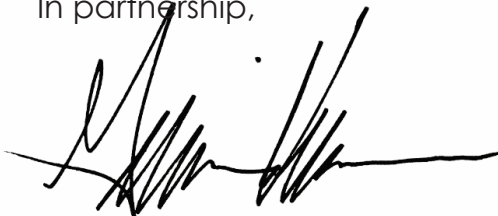
While every county faces unique challenges, the law is not optional. Your county can work proactively with first responders, hospitals, outreach teams, and families to ensure appropriate petitions are filed. Lives depend on it.

We expect urgent and consistent implementation of this critical tool. In addition to funding CARE Court, the State stands ready to assist with technical support, training, and partnership. We have already engaged your County Behavioral Health leadership to better understand how local conditions are affecting CARE Court implementation and to identify concrete strategies to strengthen petition rates.

For your convenience, we will be offering overview briefings tied to this letter, which were included in the body of the email of this letter's transmittal.

Together, we can turn the tide and save lives, reduce homelessness and incarceration, and build a safer, healthier California for everyone.

In partnership,

A handwritten signature in black ink, appearing to be 'Gavin Newsom', written over a horizontal line.

Gavin Newsom
Governor of California

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On May 26, 2026, I served the:

- **Current Mailing List dated April 27, 2026**
- **Finance's Comments on the Test Claim filed May 22, 2026**
- **County of Los Angeles' Written Comments in Support of County of Santa Clara's CARE Act County Legal Counsel Test Claim, 25-TC-02 filed May 22, 2026**

CARE Act County Legal Counsel, 25-TC-02

Statutes 2022, Chapter 319 (SB 1338); Statutes 2023, Chapter 283 (SB 35); Statutes 2023, Chapter 640 (SB 42); Statutes 2024, Chapter 647 (SB 1400); Statutes 2024, Chapter 646 (SB 1323); Statutes 2025, Chapter 528 (SB 27); Welf. & Inst. Code, § 5977(b)(4); (b)(7)(A); (c)(2); Welf. & Inst. Code, § 5977.1(a)(1); (a)(4); (c)(3)(A); (d)(2), (3), (5); Welf. & Inst. Code, § 5977.2(a)(1); Welf. & Inst. Code, § 5977.3(a)(1); Welf. & Inst. Code, § 5977.4(d); Welf. & Inst. Code, § 5978.1(c)

County of Santa Clara, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 26, 2026 at Sacramento, California.



David Chavez

Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/27/26

Claim Number: 25-TC-02

Matter: CARE Act County Legal Counsel

Claimant: County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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