

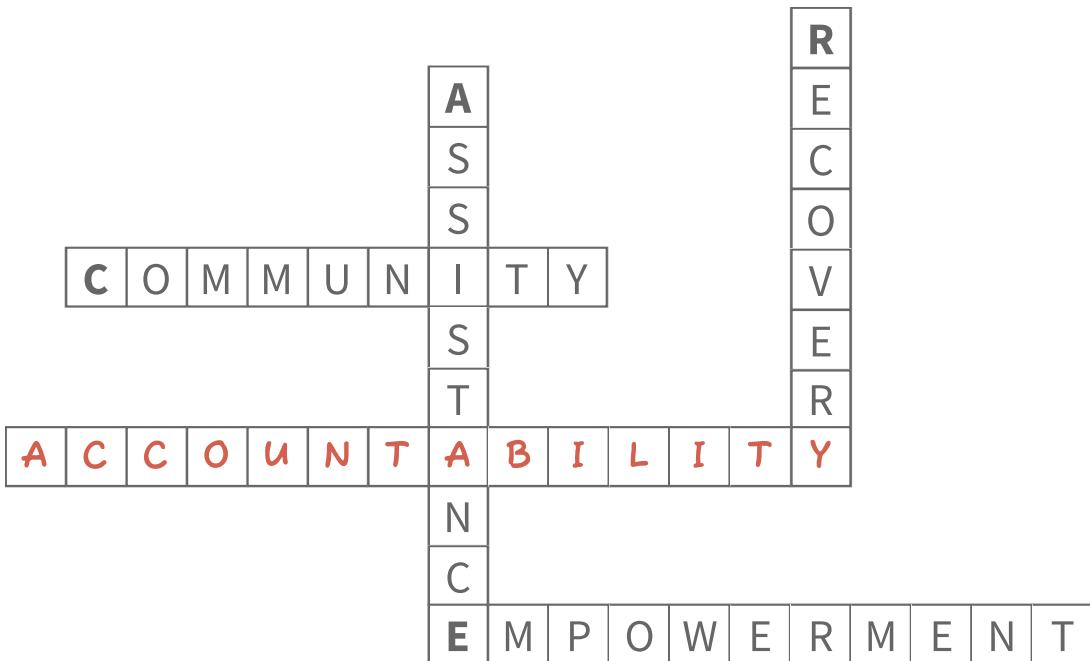


[Donate](#)

PART 5 OF 7

Courting Disappointment

[« Part 4](#) [Table of Contents](#) [Part 6 »](#)



MENTAL HEALTH

How Gavin Newsom's CARE Court lost its teeth in the California Legislature

Gov. Newsom called for ‘accountability’ on mental health and homelessness when he proposed his CARE Court program. What became law, however, pleased almost no one.

BY YUE STELLA YU AND ERICA YEE

DECEMBER 17, 2025

Gavin Newsom: “I want folks to know we are taking a new strategy, taking **accountability** across the spectrum.” —March 3, 2020 press conference “At the end of the day, we got to drive deeper to individualized **accountability**, not just county **accountability**, at’s where we’re going with these CARE courts, so we can drive **accountability** down to the streets.” —March 16, 2022 KQED interview “We need to all be held to a higher level of **accountability**, each and every one of us” —March 24, 2022 press conference CARE Courts could allow courts to order CARE plans, which would require counties to provide comprehensive treatment to the most severely impaired and untreated Californians and hold patients **accountable** to following their treatment plans. —April 25, 2022 press release “The proposal prioritizes the most sick for behavioral health, medication, and housing, while preventing arrests and conservatorships and holding both government and participants **accountable**.” —June 21, 2022 press release “This bill also comes with **accountability** for local governments that don’t comply with court-ordered treatment plans. The CARE Act also holds individuals seeking care **accountable** to engage in treatment, with self-direction supported and civil rights protected.” —August 31, 2022 press release “It’s **accountability**. It’s two-way **accountability**: **accountability** for individual, **accountability** for the city and the county” —September 14, 2022 press conference “We built CARE Court to connect people to treatment, dignity, and **accountability** — because care and **accountability** belong at the center of how we serve our communities.” —October 10, 2025 press release

Welcome to CalMatters, the only nonprofit newsroom devoted solely to covering issues that affect all Californians. Sign up for [WhatMatters](#) to receive the latest news and commentary on the most important issues in the Golden State.

Three years ago, Gov. [Gavin Newsom](#) called for a court with real power both to force a government agency to treat a mentally ill patient, and to compel that patient to stick to the program.

That's how many Californians remember his CARE Court proposal: As a mandate to bring people with severe [mental illness](#) off the street and into treatment. Noncompliance, Newsom said at the time, [would lead to consequences](#) — counties could face fines for not providing court-ordered services, and participants who fail the program could be referred to conservatorship, which often means involuntary treatment in locked facilities.

But a CalMatters review of the legislative record shows that vision is not what became law, and, as a result, the state has rarely mandated treatment of a mentally ill person or referred someone to conservatorship. It has not handed down a single fine for counties that [failed to provide court-ordered services to many CARE participants](#).

The bill went through several amendments that:

- narrowed eligibility for CARE court,
- demanded more time and information from people filing petitions,
- favored voluntary treatment agreements over court-ordered plans,
- and eliminated requirements that counties provide certain services, according to a CalMatters analysis of versions of the 2022 bill.

Newsom had envisioned that 7,000 to 12,000 Californians would qualify for the program. [But by July](#), only 528 people enrolled in treatment plans. Almost all — 514 — were through voluntary agreements instead of court-ordered plans.

"I think the law that was promised was pretty ambitious," said [Assemblymember Ash Kalra](#), a San Jose Democrat and the only lawmaker to consistently vote against the 2022 measure. "It's not surprising to me that it didn't live up to all the hype of what was promised."

While Newsom's proposal sailed through the state Legislature with near-unanimous, bipartisan support, it was contentious among various interest groups.

Civil rights organizations, such as ACLU and Disability Rights California, wanted to protect the liberties of mentally ill people and fought the proposal on principle. Counties and behavioral health professionals worried about funding and execution as they pressed for adjustments to the bill text.

Some mental health advocates, including the National Alliance on Mental Illness of California, were supportive from the start. The Steinberg Institute, founded by former California Senate President Darrell Steinberg, applauded CARE Court as a "huge step forward" to protect vulnerable Californians.

But the final product pleased few, if any. The law was both too coercive for the civil rights groups and not coercive enough for many families who wanted to see their loved ones in treatment.

"I've wondered (about) the point of a court with no real power," said Anita Fisher, a San Diego mother who advocated for Newsom's idea but later called the program a "total failure" in practice.

Newsom, who [campaigned on](#) eradicating chronic homelessness, unveiled CARE Court as the state's unhoused population surged and [public frustration climbed](#) despite the tens of billions of dollars his administration spent on homelessness and affordable housing. Cities such as [Sacramento](#) and

MORE ON CARE COURT



How does Newsom's new mental health court work? Here's what real people involved say

DECEMBER 18, 2025



'False hope': Why families who celebrated Newsom's new mental health court feel let down by it

DECEMBER 17, 2025

[Los Angeles](#) were mulling ballot measures to prohibit homeless people from sleeping in public spaces when Newsom unveiled the proposal.

“There’s no compassion with people with their clothes off defecating and urinating in the middle of the streets, screaming and talking to themselves,” Newsom told the [San Francisco Chronicle](#) in 2022. “I’m increasingly outraged by what’s going on in the streets. I’m disgusted with it.”

Eve Garrow of ACLU of Southern California called Newsom’s focus on accountability a “political maneuver” that shifts the blame for homelessness onto counties while ignoring the lack of resources to support them. Without guaranteed permanent housing, CARE Court is merely “window-dressing,” she said.

The law stipulates that CARE Court participants get priority from certain existing state housing funds, but did not come with any additional money, a concern cities, counties, and care providers raised throughout the bill process.

“Counties support accountability when it is in a structure where we have clear responsibilities, authority, and resources to carry things out,” said Graham Knaus, chief executive of the California State Association of Counties. “And sometimes that’s true, and often it is not true. And so we believe putting accountability front and center sounds great, but means nothing if we don’t have the resources and authority to do things successfully in our communities.”

When asked by CalMatters if Newsom believed the individual and county-level accountability he spoke of materialized, Newsom spokesperson Tara Gallegos did not give a direct answer. Instead, she said the law has improved in recent years and that is evidence that “(the) government is working as it should.”

The core of CARE Court, Gallegos stressed, was “voluntary” participation. “Coercion rarely works with those who need care,” she said in a statement last week.

She took a more forceful tone on counties’ responsibility to provide care.

“It shouldn’t take stronger accountability measures for counties to do the right thing,” she said. “The public has called for action and counties should be listening and acting with urgency — or voters will do it for them. There’s no excuse for counties failing to deliver — and the variability in implementation that we are seeing now is completely unacceptable.”

State Sen. [Tom Umberg](#), a Santa Ana Democrat who co-authored the original bill, acknowledged it’s still a “work in progress.” In recent years, he’s introduced “cleanup” bills to [expand eligibility](#) for CARE court and

boost program uptake.

The law largely relies on the “soft power” of judges, leaving it at their discretion to hold counties and individuals accountable, Umberg said.

“I don’t think that we’ve done the kind of job that needs to be done,” he said. “Do we need to have more folks who are engaged and successfully complete the program? Absolutely. Have we gotten there yet? No.”

How the bill was diluted



E | L | I | G | I | B | I | L | I | T | Y

CARE Court's target demographics were those who were too sick to help themselves. So how sick is too sick? The answer kept changing.

In its first iteration, the program was designed to serve those with mental illness and substance use disorders.



March 2022: Initial Draft

"The person is suffering from a mental illness and a substance use disorder."



April 2022: Substance use disorder excluded

~~"The person is suffering from a mental illness and a substance use disorder."~~

"The person has a diagnosis of schizophrenia spectrum or other psychotic disorder..."



June 2022: Eligibility further narrowed

Diagnosis of schizophrenia or other psychotic disorders still required

Disorders "due to a medical condition or is not primarily psychiatric in nature," such as a brain trauma, autism or dementia, are excluded

SIGNED INTO LAW



2025: Amended to include bipolar diagnosis

Diagnosis of schizophrenia or other psychotic disorders, "...or bipolar I disorder with psychotic features, except psychosis related to current intoxication" required

Disorders "due to a medical condition or is not primarily psychiatric in nature," such as a brain trauma, autism or dementia, are excluded

SIGNED INTO LAW

As the bill progressed, the criteria narrowed.

👉 April 2022: Other eligibility criteria

"A court may order a respondent to participate in CARE proceedings if the court finds...

(d) The person currently lacks medical decisionmaking capacity."

✓ June 2022: Eligibility further narrowed

"An individual shall qualify for CARE proceedings only if all of the following criteria are met...

(d) The person currently lacks medical decisionmaking capacity.

(d) At least one of the following is true:

(1) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating.

(2) The person is in need of services and supports in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others...

(e) Participation in CARE court Act services would be the least restrictive alternative necessary to ensure the person's recovery and stability..."

SIGNED INTO LAW



— —

P	E	T	I	T	I	O	N	E	R	S
---	---	---	---	---	---	---	---	---	---	---

The bar for petitioners — often family members, first responders and behavioral health professionals who ask the court to enroll someone with psychotic disorders in a CARE agreement or plan — also kept getting higher.

In general, filers must fill out a form with basic information and show evidence that the person they are petitioning for needs care. They must be present for the initial court hearing if a judge decides to hear their case.

Changes to Umberg's bill by the middle of 2022 tightened timelines and added requirements for petitioners. The bill also gained a warning that filing a meritless petition could lead to consequences.



April 2022: Initial petitioner thresholds

They must include in their petition either of the following:

- Proof that the person had been detained for intensive treatment at least once within the previous 90 days.
- An affidavit from a behavioral health professional who had examined, or tried to, the person within the past three months and determined they likely met the criteria for CARE court.



June 2022: Requirements increased

They must include in their petition either of the following:

- Proof that the person had been detained for intensive treatment at least twice, the most recent one within the previous 60 days.
- An affidavit from a behavioral health professional who had examined, or tried to, the person within the past 60 days and determined they likely met the criteria for CARE court.

A petitioner can now be deemed a “vexatious litigant” if their petition is deemed meritless or malintentional and if they have a history of filing similar petitions.

SIGNED INTO LAW

Those provisions became law, and the requirement for petitioners to attend first court hearings remained. Some first responders are so overworked that they simply cannot participate in hearings in person, and proving a loved one’s mental health condition can be challenging for families due to federal privacy laws, San Diego County behavioral health program coordinator Amber Irvine [previously told CalMatters](#).



As the bill evolved, it loosened requirements on counties to provide certain services, such as housing and behavioral health treatments, and made it harder for judges to order medication against someone’s will.

April 2022: CARE plans

“The CARE plan shall be created by the respondent, their supporter and counsel, and the county behavioral health agency. The plan shall include all of the following components:

- Certain behavioral health treatments
- Housing plan with a diverse range of housing options

What became law

“The CARE plan may include only the following:

- Certain behavioral health treatments

- Housing plan with a diverse range of housing options
- Other social services like CalFresh and CalWORKS

SIGNED INTO LAW

April 2022: Graduation plans

Graduation plans — following someone's completion of CARE court — must include strategy to help the participant transition out of the program, may include other services

What became law

Graduation plans are “voluntary” agreements that are unenforceable by court and don’t put additional burden on counties to provide services

SIGNED INTO LAW

April 2022: Antipsychotic medication

CARE plans can include “medically necessary stabilization medications;” they cannot be “forcibly administered” unless the court orders it under the Lanterman-Petris-Short Act, which applies to those subject to involuntary treatments due to their mental health disorders

What became law

- Bars “forcibly administered” medication, period
- Those who refuse to take ordered medication won’t be penalized
- Judges can only order medication if there’s “clear and convincing evidence” that the person who needs the medication doesn’t have the capacity to give informed consent to the medically necessary treatment.

SIGNED INTO LAW



April 2022: Housing placement

Clarifies:

- Courts won't be required to order housing
- Counties won't be required to provide housing



What became law

Clarifies:

This story was updated to include remarks from Graham Knaus, the chief executive of the California State Association of Counties.

CalMatters' Jocelyn Wiener and Marisa Kendall contributed to this report.

Up Next...

PART 6

Why Newsom's CARE Court has struggled to help homeless Californians most in need

Courting Disappointment

INTRO

Overview of "Courting Disappointment"

-
- PART 1** Newsom promised real progress on mental health with CARE Court. Here's what the numbers show
-
- PART 2** 6 things to know about how Gov. Newsom's CARE Court is working so far
-
- PART 3** New California law expands Newsom's mental health court. Will it help more people?
-
- PART 4** 'False hope': Why families who celebrated Newsom's new mental health court feel let down by it
-
- PART 5** How Gavin Newsom's CARE Court lost its teeth in the California Legislature
-
- PART 6** Why Newsom's CARE Court has struggled to help homeless Californians most in need
-
- PART 7** How does Newsom's new mental health court work? Here's what real people involved say
-

