



# Judicial Council of California

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## M E M O R A N D U M

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**Date**

September 7, 2023

**Action Requested**

Please review

**To**

JBSIS Subcommittee of CEAC

**Deadline**

September 29, 2023

**From**

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Analytics Officer, Office of Court Research

**Contact**

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**Subject**

New data reporting requirements for 2023:  
CARE Act and SB 929 (Community Mental  
Health)

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### Background

The Judicial Branch Statistical Information System (JBSIS) collects data on key workload indicators which is used in statewide reporting and in branch allocation methodologies. New trial court workload data reporting requirements resulting from new legislation may impact JBSIS data reporting and potentially require changes to JBSIS data collection.

### CARE Act

The Community Assistance, Recovery, and Empowerment (CARE) Act (SB 1338)<sup>1</sup> took effect on January 1, 2023 and authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan that can include treatment, housing support, and other services for persons with untreated schizophrenia or other psychotic disorders.

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB1338](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338)

The CARE Act requires the Judicial Council of California (JC) to report aggregated counts of key metrics that are specified in the legislation to the Department of Health Care Services (DHCS). The required data elements from trial courts are outlined in WIC § 5985<sup>2</sup> and AB 102 (SEC. 113 (22)(a)).<sup>3</sup>

The CARE Act creates a new mental health petition type and new court workload that is not already captured in another filing type. The CARE Act included funding for courts to implement the new workload, although it is unclear how long the funding will be provided or if it fully meets the workload need. Care will have to be taken to ensure that any funding received for CARE Act workload is accounted for in the workload formula, as is done with other targeted funding (i.e. realignment, AB 1058, etc.).

CARE Act data collection begins once the program takes effect on October 1, 2023 in the seven courts that are in the initial cohort. Data collection in Los Angeles will commence December 1, 2023 with that courts' implementation of the CARE Act. The remaining courts will begin implementing the CARE Act no later than December 1, 2024. The long-term data collection solution will be managed in the statewide data warehouse; until that solution is available in late 2025, data collection will be done manually.

### **AB 929 Community Mental Health**

Under Welfare and Institutions Code section 5402(d), as amended by Senate Bill 929 (Stats. 2022, ch. 539), the Judicial Council must provide the State Department of Health Care Services (DHCS), by October 1 of each year, with data from each superior court to complete a report that includes the number and outcomes of certification review hearings held pursuant to Section 5256, petitions for writs of habeas corpus filed pursuant to Section 5275, judicial review hearings held pursuant to Section 5276, petitions for capacity hearings filed pursuant to Section 5332, and capacity hearings held pursuant to Section 5334 in each superior court.

The data elements requested in SB 929 are not all reported in JBSIS at the level of detail needed to fulfill the reporting requirement. The workload associated with these cases is already captured in the branch workload models, and this legislation does not create new workload for these cases. Additionally, it is important to note that some courts do not conduct certification review hearings under Section 5256; in those jurisdictions, county behavioral health departments contract with individuals who are not judicial officers to hold those hearings.

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<sup>2</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WIC&sectionNum=5985](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=5985).

<sup>3</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB102](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB102)

As with the CARE Act, the long term data collection solution will be managed in the statewide data warehouse; until that solution is available in late 2026, data collection will be done manually.

**Proposed Action**

The CARE Act creates new court workload that should be measured in branch workload models, and the JBSIS Subcommittee should consider making a recommendation to the Court Executives' Advisory Committee and the Judicial Council to revise JBSIS to count CARE Act filings as a new JBSIS casetype.

The Community Mental Health data reporting requirements do not create a new filing type nor new workload for trial courts. Staff recommends that the JBSIS Subcommittee not take further action on this casetype.