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February 16, 2023

Honorable Patricia Guerrero, Chief Justice, and Associate Justices
Supreme Court of California
350 McAllister St.
San Francisco, CA 94102-4783

Re: Amicus Letter of the Homeless Action Center, Request for Review of Disability Rights California v. Gavin Newsom (S278330)

Dear Chief Justice Guerrero and Associate Justices of the Court:

Pursuant to Rule 8.500(g) of the California Rules of Court, the Homeless Action Center and its undersigned members submit this amicus letter urging the Court to grant review in the above-entitled case. We support the arguments made by Petitioners, Disability Rights California, *et al.*, in their Petition for Review. The Homeless Action Center also strongly supports review because the CARE Act will have devastating consequences for individuals with mental illness that are experiencing homelessness and could adversely impact our ability to represent them.

1. Interest of the Homeless Action Center

The Homeless Action Center (“HAC”) is a nonprofit law office that provides Social Security representation at no cost to residents of Alameda County, California. While representing clients in the process to obtain Social Security, HAC also assists clients in obtaining and retaining Medicaid, Supplemental Nutrition Assistance Program (SNAP), Cash Assistance Program for Immigrants and General Assistance. HAC also supports clients who seek to engage with medical treatment and other services. HAC has been serving mentally ill clients experiencing homelessness since 1990 and has a robust knowledge of the resources available to our clients in Alameda County. We currently represent over one thousand clients.

HAC has an interest in this matter because many of our clients will potentially become respondents and be forced into CARE Courts and put on CARE Plans. This is concerning to HAC due to the very likely potential for severe harm to our clients as a result. Forcing individuals into a court process and compulsory treatment plan will deprive individuals of personal autonomy. Forced treatment is inherently traumatizing and will often increase symptoms of mental and physical illness. Lastly, as a legal nonprofit, HAC receives funding via Alameda County Social Services. Under the CARE Act it is unclear as to whether CARE plans in Alameda County might include referrals to HAC for assistance, considering we have eligibility requirements as well as limited capacity to assign clients based on advocate availability.

HAC believes that the CARE Courts are antithetical to our advocacy model, and thus will interfere with our ability to effectively represent our clients in obtaining critical needs such as income.

2. Reasons Review Should be Granted

- The CARE Court system deprives individuals of their personal autonomy.

The CARE Court system deprives individuals of their personal autonomy by creating a treatment plan with a team of judges, lawyers, medical professionals, and social workers who will substitute their judgment for that of the client. Clients will then be forced to complete the treatment plan under threat of forced hospitalization or conservatorship. This CARE Court system also raises serious concerns about racial implications and abuse against people with disabilities.

We have also seen over our many decades of doing this work that forced treatment seldom, if ever, actually works. If someone is choosing to forego treatment, little can be done to force their adherence to a plan, including threat of incarceration or loss of liberty. Instead, forcing someone into treatment is inherently traumatizing and can even increase the severity of their illness and exacerbate the conditions keeping them in crisis and unhoused.

The CARE Court system also enables family members to petition for individuals to be placed in CARE plans. Without proper safeguards, this will inevitably include family members with dysfunctional, toxic, or even abusive relationships with individuals. Moreover, through our decades of Social Security advocacy, we have seen thousands of medical evaluations from mental health professionals that are arbitrary, wildly inconsistent, and do not accurately depict a client's symptoms, limitations, or abilities. We have serious concerns with medical professionals determining the level to which an individual may retain their own autonomy.

- The implementation of the CARE Act involves ambiguities and lack of clarity that will cause harm to respondents.

Beyond the fact that forced mental health treatment has been proven over this country's history as fraught, HAC has serious concerns about the implementation of the CARE Courts. For one, the consequences of noncompliance are unclear, including the consequences if a potential respondent fails to appear for their initial hearing, or if they fail to comply with parts of their CARE Plan such as taking their directed medication. The only consequence mentioned in the plan is potential referral for conservatorship proceedings, which is the ultimate loss of liberty.

Additionally, several elements of the CARE act, as it currently stands, are vague and will likely induce confusion. The lack of definition of technical terms in the Act is deeply problematic because it will lead to inconsistent application of the rules among counties. Such inconsistent application would result in disparate impact on protected groups of people with low income and disabilities. Further, some notice requirements are by mail only, despite the fact that several respondents will not have access to reliable mailing addresses.

- The CARE Act does not address the underlying causes of homelessness.

Lastly, it does not appear that the CARE Act will do anything to address the underlying causes of homelessness. Even if an individual successfully completes a CARE Plan and is medically stabilized, the CARE Act does not dedicate additional dollars for affordable housing, and such housing remains scarce in California. Individuals will likely exit a CARE Plan and return to the exact conditions that led to their destabilization in the first place.

In sum, forcing treatment and involuntary hospitalization may temporarily remove people from the streets of California, but will come at the expense of their liberty, autonomy, and well-being, and will do nothing to address the underlying systems of deep inequality and exclusion from economic and housing opportunities that lead to chronic homelessness.

At HAC we have seen the positive impact that comes from maintaining client dignity and autonomy, and we urge this Court to see the ways in which the CARE Act will strip our clients of both and cause irreparable harm.

Respectfully,



Patricia E. Wall, Executive Director
Alameda County Homeless Action Center

PROOF OF SERVICE

CASE NAME: **DISABILITY RIGHTS CALIFORNIA V. GAVIN NEWSOM, ET AL.**

SUPREME COURT CASE NO.: **S278330**

At the time of service, I am over 18 years of age and not a party to this action. I am in the County of Alameda, State of California. My address is 3126 Shattuck Avenue, Berkeley, California, 94705.

On February 16, 2023, I served true copies of the foregoing document(s) on the interested parties in this action as follows:

1. Amicus Letter in support of Petitioner’s Writ of Mandate

BY ELECTRONIC SERVICE: I electronically served the document(s) described above via TrueFiling, on the recipients designated on the Transaction Receipt located on the TrueFiling website (<https://secure.truefiling.com>) pursuant to the Court Order.

BY MAIL: I caused such envelope to be deposited for collection and mailing on this date in _____, CA following our ordinary business practices to the counsel listed as follows. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. It is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid

Attorneys for Petitioner	Attorneys for Respondents
<p>*Melinda R. Bird, * S. Lynn Martinez Sarah J. Gregory, Lili V. Graham, Navneet K. Grewal, Nubyaan Scott</p> <p>Disability Rights California 1000 Broadway, Suite 395 Oakland, CA 94609</p> <p>Richard Rothschild, Helen Tran Western Center on Law and Poverty 3701 Wilshire Blvd, Suite 201 Los Angeles, CA 90010</p> <p>Michael Rawson, Shashi Hanuman Public Interest Law Project 449 15th Street Oakland, CA 94612</p>	<p>Rob Bonta Attorney General of California Michael J. Mongan Solicitor General *Janill L. Richards Principal Deputy Solicitor General Samuel T. Harbourt Deputy Solicitor General Nicole Welindt Associate Deputy Solicitor General Christina R. Lopez Deputy Attorney General</p> <p>1515 Clay Street, 20th Floor P.O. Box 70550 Oakland, CA 94612-0550</p>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 16, 2023 at Berkeley, California.



Declarant

Document received by the CA Supreme Court.