



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM AUGUST 2023 LEGAL SERVICES TRUST FUND COMMISSION 4.3**

**DATE:** August 10, 2023

**TO:** Members, Legal Services Trust Fund Commission (LSTFC)

**FROM:** Members, LSTFC CARE Court Grants Committee

**SUBJECT:** Approve Recommendations for 2023 CARE Court Grants

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### **EXECUTIVE SUMMARY**

On September 14, 2022, Governor Newsom signed the Community Assistance, Recovery, and Empowerment (CARE) Act.<sup>1</sup> The CARE Act creates a new court program (CARE Court) that will launch October 1, 2023, in Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties and December 1, 2023, in Los Angeles County.<sup>2</sup> The new law requires the LSTFC to fund the role of qualified legal services projects (QLSPs) and support centers under the CARE Act.<sup>3</sup>

On March 24, 2023, the LSTFC created the CARE Court Grants Committee (Committee). The LSTFC delegated to the Committee authority to approve a request for proposals (RFP) for its first round of CARE Court grants.<sup>4</sup> So that the grant period can start by October 1, 2023, the

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<sup>1</sup> Welfare and Institutions Code §§ 5970–87.

<sup>2</sup> The CARE Act requires all these counties except for Los Angeles to launch by October 1, 2023. All other counties in California—including Los Angeles—must launch by December 1, 2024. Welfare and Institutions Code § 5970.5. Los Angeles County plans to launch its CARE Court program one year early—by December 1, 2023.

<sup>3</sup> Welfare and Institutions Code § 5981.5.

<sup>4</sup> The LSTFC resolution states:

**RESOLVED**, that the [LSTFC] (commission) creates a CARE Court Grants committee (committee);  
and it is

LSTFC also authorized a commissioner-staff team to score 2023–2024 applications in consultation with the Committee.

The Committee approved an RFP (Attachment A) on June 27, 2023, and applications were due on July 17, 2023. On August 1, 2023, the Committee met to review its scoring team’s process and recommendations for funding. This memo describes that process and the Committee’s award recommendations to the LSTFC for its meeting on August 10, 2023.

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## BACKGROUND

The CARE Act creates a new court program where adults with qualifying, severe mental health issues can access behavioral health care, stabilization medication, housing, and other community services. The program will launch October 1, 2023, in Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties and December 1, 2023, in Los Angeles County (participating counties).<sup>5</sup>

CARE Courts must appoint QLSPs to represent those who are the subject of a CARE Court petition (respondents). Where no QLSP has agreed to represent respondents, the court must appoint a public defender instead.<sup>6</sup> Furthermore, the LSTFC must fund QLSPs to represent respondents “in CARE Act proceedings, matters related to CARE agreements and CARE plans.”<sup>7</sup> The LSTFC must also fund qualified support centers to provide related “training, support, and coordination.”<sup>8</sup>

The Budget Act of 2023 (Budget Act) provides the funding for these QLSP, public defender, and support center services between October 1, 2023, and June 30, 2024, in

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**FURTHER RESOLVED**, that the commission delegates authority to the committee to approve a timeline and application for making 2023 CARE Court grants and—if consistent with the Budget Act of 2023—a request for proposals, scoring rubric, and reporting requirements; and it is

**FURTHER RESOLVED**, that a commissioner-staff team will review the 2023 CARE Court grant applications in consultation with the committee and that the committee will make award recommendations to the commission.

<sup>5</sup> Welfare and Institutions Code § 5970.5. See footnote two for more information.

<sup>6</sup> Welfare and Institutions Code § 5977.

<sup>7</sup> Welfare and Institutions Code section 5981.5 requires the LSTFC to fund QLSPs “to provide legal counsel appointed pursuant to subdivision (c) of [Welfare and Institutions Code] Section 5976...” Section 5976(c) states that respondents have the right to “counsel at all stages of a proceeding...regardless of the ability to pay.”

<sup>8</sup> Ibid.

the participating counties.<sup>9</sup> The amount for QLSPs and public defenders to represent respondents in CARE Court will be at least \$20,400,000. Support centers could receive up to \$1,020,000 to provide legal training and technical assistance to implement the CARE Act.<sup>10</sup>

Before making awards to QLSPs, the LSTFC must determine an amount of funding available to represent respondents in each of the participating counties. The formula to allocate this funding sets a minimum amount for each county and adjusts for the relative cost of providing representation there (see the section “Distributing Funds by County,” in the RFP, for more information). Any funding not awarded to QLSPs to serve a county will go to that county’s public defender office to represent respondents.<sup>11</sup>

## DISCUSSION

### SCORING CRITERIA

On June 27, 2023, the Committee adopted the following rubric to guide its deliberations:

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
<b>Project impact and strategies:</b> The applicant describes how it will significantly and directly perform the role of QLSP or support center under the CARE Act and Budget Act.				
<b>Qualifications:</b> The applicant demonstrates that it has the qualifications (e.g., knowledge, experience, and relationships) that it needs to accomplish the proposal’s goals.				
<b>Number of check marks</b>	<b>X21-25 points</b>	<b>X11-20 points</b>	<b>X1-10 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Administration:</b> The applicant demonstrates that it has the organizational				

<sup>9</sup> The Budget Act is available at [leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB101](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB101).

<sup>10</sup> The Budget Act also provides \$1,432,000 to the LSTFC and State Bar to administer this funding to QLSPs, public defenders, and support centers. This will include collecting and reporting data on expenditures and outcomes.

<sup>11</sup> The Budget Act.

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
capacity (e.g., supervision structure and resources) that it needs to meet the proposal objectives.				
<b>Project evaluation:</b> The applicant details how it will acquire and use data to measure the effectiveness of its services and meet reporting requirements				
<b>Number of check marks</b>	<b>X15 points</b>	<b>X10 points</b>	<b>X5 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Total</b>				

The RFP states that the rubric is a tool to guide Committee and LSTFC discussion of proposals. A comparatively high score does not guarantee funding. The LSTFC may still exercise discretion to make awards that best accomplish the statutory goals of this funding.

The following explanations refer to the rubric:

- **Not addressed:** A proposal that scores “not addressed” in a category/criterion fails to satisfy that criterion in a meaningful way or lacks the relevant nexus. A proposal might fail to satisfy a criterion in a meaningful way if it articulates only a vague intention to do so.
- **Below expectations:** A proposal that scores “below expectations” in a category/criterion addresses that criterion but is insufficiently competitive or persuasive to justify a score of “meets expectations.” For example, the proposal might lack sufficient detail, explanation, or basis in fact to demonstrate its contours or likelihood of success. Since such a proposal might still articulate a feasible project, this score confers some points.
- **Meets expectations:** A proposal that scores “meets expectations” in a category/criterion is competitive and persuasive with respect to that row of the rubric. To be competitive, the proposal will be sufficiently ambitious and/or compelling to merit the use of competitive funds. To be persuasive, the proposal will describe circumstances sufficiently probative of the applicant’s intention and ability to accomplish its stated objectives in that criterion.
- **Exceeds expectations:** A proposal that scores “exceeds expectations” in a category/criterion satisfies the standard for “meets expectations” while standing out as particularly compelling or impressive. A project might be especially compelling, for instance, because its strategies would be unusually impactful. Or the proposal might be exceptionally detailed, thorough, evidence-driven, or otherwise well-conceived and

convincing.

## REVIEW PROCESS

The State Bar received applications from three QLSPs. No support centers applied. Two QLSPs applied to serve only San Francisco County. A third applied to serve only Stanislaus County but later withdrew its application. Please see Attachment B for profile sheets summarizing the two applications for consideration.

Given the short timeline to review, the LSTFC authorized a commissioner-staff team to score applications in consultation with the Committee. The scoring team consisted of two Committee members and two State Bar Office of Access & Inclusion staff members. The team arrived at a rounded, average score for each row of the rubric for each applicant. Additionally, the team set the minimum score for it to recommend funding at 56—out of 80—points. That is 70 percent of the points available.

## SCORES

CARE Court will be an entirely new court program in California. It will serve exclusively adults experiencing a severe mental illness.<sup>12</sup> Many—if not almost all—respondents will be homeless or at risk of homelessness. The scoring team focused on whether proposals demonstrated an ability to serve this particularly high-need population effectively and the applicant’s readiness to be appointed as counsel starting October 1, 2023. For instance, the team discussed whether each applicant’s materials demonstrated their ability to:

- Represent people over 18 years old who are experiencing a severe mental illness.
- Represent clients in mental health cases specifically.
- Help clients to access the types of community services and supports that Welfare and Institutions Code section 5982 describes (e.g., behavioral health care and housing).
- Litigate and negotiate (e.g., with county behavioral health agencies).

The scoring team also paid special attention to the efficacy of each proposal’s:

- Supervision (e.g., the amount of experienced supervision).
- Staffing (e.g., any need to hire and the mix of different positions).
- Strategies (e.g., close partnerships with other CARE Court stakeholders in the county).

One proposal scored 71 points out of 80. The other scored 69 points. With a minimum score of 56 points to recommend funding, the scoring team recommended both proposals for an award:

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<sup>12</sup> Welfare and Institutions Code § 5972.

**Table 1. Award Recommendations**

Applicant	Score	Recommend	Amount
<b>Scores of 56–80 (recommend for funding)</b>			
Legal Assistance to the Elderly	71	Yes	\$381,694
Justice & Diversity Center of the Bar Association of San Francisco	69	Yes	\$370,401

The Committee recommends funding Legal Assistance to the Elderly (LAE) and Justice & Diversity Center of the Bar Association of San Francisco (JDC) at the full amount they each requested. Both applicants applied to serve San Francisco County only. In assessing their funding requests, the scoring team and Committee considered the minimum funding available to represent respondents there:

**Table 2: The Funding to Represent Respondents in San Francisco County**

Initial (RFP) allocation <sup>13</sup>	Estimated cases <sup>14</sup>	Funding per estimated case <sup>15</sup>
\$1,230,524	161	\$7,643

LAE and JDC each propose to serve 50 respondents. Together, that is about 62 percent of San Francisco County’s 161 estimated cases for 2023–2024. Both LAE’s and JDC’s proposals budget for slightly less—per client—than the amount available. LAE has requested \$7,634 per client (\$381,694 total) and JDC has requested \$7,408 per client (\$370,401 total).

### **REALLOCATING THE FUNDS FOR SUPPORT CENTERS**

The Budget Act provides \$20,400,000 for QLSPs and public defenders to represent respondents in 2023–2024. It also provides \$1,020,000 for support centers to provide legal training and technical assistance to implement the CARE Act. Pending any changes to the Budget Act, the amount remaining from the support center allocation must go to representation for respondents.<sup>16</sup>

<sup>13</sup> This column shows the original—RFP—allocation for San Francisco. This is the amount available to represent respondents in 2023–2024 before reallocating any leftover funding that was for support centers. Please see the next section, “Reallocating the Funds for Support Centers,” for more information.

<sup>14</sup> The Governor’s Office anticipates about 4,000 cases in 2023–2024. The estimate for each county is based on its share of the general population for all participating counties.

<sup>15</sup> This column divides San Francisco’s original funding allocation (column one) by its share of estimated cases in 2023–2024 (column two). The Budget Act’s funding for QLSP and public defender representation assumes that a typical CARE Court case will take about 40 hours. This column, therefore, might provide a high estimate of the funding available per case if a typical matter takes more than 40 hours to resolve.

<sup>16</sup> The Budget Act.

No support centers applied for a 2023–2024 award. The \$1,020,000 for support centers, therefore, will be distributed among the participating counties via the formula allocation for QLSPs and public defenders. Table 3 compares each county’s initial allocation from the RFP to its updated allocation. It also shows how much of each county’s allocation will go to its public defender’s office if the LSTFC approves the Committee’s recommendations for 2023–2024.

**Table 3: Tentative, Updated Funding to Represent Respondents in Each County<sup>17</sup>**

County	Initial (RFP) allocation	Updated allocation	Amount for QLSPs	Amount for public defenders
Glenn	\$60,000	\$60,000	\$0	\$60,000
Los Angeles	\$10,158,089	\$10,668,912	\$0	\$10,668,912
Orange	\$2,852,842	\$2,996,430	\$0	\$2,996,430
Riverside	\$2,490,970	\$2,616,261	\$0	\$2,616,261
San Diego	\$3,135,413	\$3,293,167	\$0	\$3,293,167
San Francisco	\$1,230,524	\$1,292,293	\$752,095	\$540,198
Stanislaus	\$412,162	\$432,936	\$0	\$432,936
Tuolumne	\$60,000	\$60,000	\$0	\$60,000
<b>Total</b>	<b>\$20,400,000</b>	<b>\$21,419,999</b>	<b>\$752,095</b>	<b>\$20,667,904</b>

## CONCLUSION

Both applicants that the Committee recommends for funding established that they have extensive experience serving the community in their county that will become CARE Court respondents. They also have deep experience litigating and advocating for clients to access the types of community services and supports that the CARE Act seeks to provide. Furthermore, they would staff, supervise, and partner on their projects in a way that is conducive to their success. Overall, the recommended applicants demonstrated that they will be ready to provide high-quality services to CARE Court respondents by October 1, 2023.

## RECOMMENDATION

Should the LSTFC concur with the Committee’s proposal, passage of the following resolution is recommended:

**RESOLVED**, that the Legal Services Trust Fund Commission approves the 2023–2024 CARE Court Grant recipients and amounts as described herein.

<sup>17</sup> Column two shows each county’s minimum allocation for QLSPs and/or public defenders to represent respondents in 2023–2024. This is the amount that the Committee approved for the RFP. Column three shows how much is available in each county since zero support centers applied for an award. Column four shows the Committee’s recommendation for 2023–2024 awards to QLSPs. Column five subtracts the recommended awards from the updated allocation for each county. This is the amount that would go to the public defender’s office in each county if the LSTFC approves the Committee’s recommendations.

## **ATTACHMENTS LIST**

- A.** 2023–2024 CARE Court Grant RFP
- B.** Profile Sheets for the 2023–2024 CARE Court Grant Applications
- C.** Breakdown of Scores for 2023–2024 CARE Court Grant Applications





## The State Bar of California

### **2023–2024 Community Assistance, Recovery, and Empowerment (CARE) Court Grant Request for Proposals**

#### **BACKGROUND**

On September 14, 2022, Governor Newsom signed the Community Assistance, Recovery, and Empowerment (CARE) Act.<sup>1</sup> The CARE Act creates a new court program (CARE Court) where adults with qualifying, severe mental health issues can access behavioral health care, stabilization medication, housing, and other community services. The program will launch October 1, 2023, in Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties and December 1, 2023, in Los Angeles County (participating counties).<sup>2</sup>

CARE Courts must appoint qualified legal services projects (QLSPs) to represent those who are the subject of a CARE Court petition (respondents). Where no QLSP has agreed to represent respondents, the court must appoint a public defender instead.<sup>3</sup> Furthermore, the Legal Services Trust Fund Commission (LSTFC) must fund QLSPs to represent respondents “in CARE Act proceedings, matters related to CARE agreements and CARE plans.”<sup>4</sup> The LSTFC must also fund qualified support centers to provide related “training, support, and coordination.”<sup>5</sup>

Senate Bill 101 (SB 101) provides the funding for these QLSP, public defender, and support center services between October 1, 2023, and June 30, 2024, in the eight

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<sup>1</sup> Welfare and Institutions Code §§ 5970–87.

<sup>2</sup> The CARE Act requires all these counties except for Los Angeles to launch by October 1, 2023. All other counties in California—including Los Angeles—must launch by December 1, 2024. Welfare and Institutions Code § 5970.5. Los Angeles County plans to launch its CARE Court program one year early—by December 1, 2023.

<sup>3</sup> Welfare and Institutions Code § 5977.

<sup>4</sup> Welfare and Institutions Code section 5981.5 requires the LSTFC to fund QLSPs “to provide legal counsel appointed pursuant to subdivision (c) of [Welfare and Institutions Code] Section 5976...” Section 5976(c) states that respondents have the right to “counsel at all stages of a proceeding...regardless of the ability to pay.”

<sup>5</sup> Ibid.

participating counties.<sup>6</sup> The amount for QLSPs and public defenders to represent respondents in CARE Court will be at least \$20,400,000. Support centers could receive up to \$1,020,000 to provide legal training and technical assistance to implement the CARE Act.<sup>7</sup>

Before making awards to QLSPs, the LSTFC must determine an amount of funding available to represent respondents in each of the participating counties. The formula to allocate this funding will set a minimum amount for each county and adjust for the relative cost of providing representation there (see the section “Distributing Funds by County,” below, for more information). Any funding not awarded to QLSPs to serve a county will go to that county’s public defender office to represent respondents.<sup>8</sup>

On March 24, 2023, the LSTFC created a committee to make 2023–2024 CARE Court awards to QLSPs and support centers.<sup>9</sup> The LSTFC CARE Court Grants Committee (committee) then met on June 27, 2023, to discuss and approve this request for proposals (RFP). The RFP is subject to changes in the law including, but not limited to, the Budget Act of 2023 and changes to the CARE Act. 2023–2024 CARE Court grant applications are due on the State Bar of California’s grants portal, SmartSimple, by July 17, 2023, at 5:00 p.m. (PDT).

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<sup>6</sup> The Legislature passed SB 101 on June 15, 2023. The text of this legislation is available at [leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB101](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB101). Pending the Governor’s signature, SB 101 will become the Budget Act of 2023.

<sup>7</sup> SB 101 also provides \$1,432,000 to the LSTFC and State Bar to administer this funding to QLSPs, public defenders, and support centers. This will include collecting and reporting data on expenditures and outcomes.

<sup>8</sup> SB 101.

<sup>9</sup> The LSTFC resolution states:

**RESOLVED**, that the [LSTFC] (commission) creates a CARE Court Grants committee (committee); and it is

**FURTHER RESOLVED**, that the commission delegates authority to the committee to approve a timeline and application for making 2023 CARE Court grants and—if consistent with the Budget Act of 2023—a request for proposals, scoring rubric, and reporting requirements; and it is

**FURTHER RESOLVED**, that a commissioner-staff team will review the 2023 CARE Court grant applications in consultation with the committee and that the committee will make award recommendations to the commission.

## ELIGIBILITY TO APPLY

Eligibility to apply for a 2023–2024 CARE Court grant is restricted to QLSPs and support centers as defined in Business and Professions Code section 6213.<sup>10</sup> Applicants must have received an Interest on Lawyers’ Trust Accounts (IOLTA) grant from the LSTFC for 2023.<sup>11</sup>

## GRANT PARAMETERS

1. The 2023–2024 CARE Court awards may fund only the work that the Budget Act of 2023 permits. For example, SB 101 funds QLSPs “to provide legal counsel pursuant to subdivision (c) of Section 5976 of the Welfare and Institutions Code for representation in CARE Act proceedings, matters related to CARE agreements, and CARE plans.”
2. These grants are not to fund the wraparound services or supports (e.g., housing) that become part of respondents’ CARE agreements or plans.<sup>12</sup> Additionally, lobbying and legal services unrelated to CARE agreements and CARE plans (e.g., helping a client to apply for immigration status) fall outside the scope of SB 101.<sup>13</sup>
3. SB 101 requires the LSTFC to determine an amount of funding that each county will receive. See the next section, “Distributing funds by county,” for how the LSTFC will distribute funding for QLSPs and public defenders in 2023–2024.

QLSPs may apply for some or all of each county’s allocation. In doing so, they must specify the amount of the allocation they are seeking and number of clients they would be available to represent in that county. When evaluating QLSP applications, the committee will compare this information to each county’s available funding and case estimates—see Table 1, below.

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<sup>10</sup> Welfare and Institutions Code § 5981.5 and SB 101.

<sup>11</sup> QLSP and support center status is a requirement to receive IOLTA, Equal Access Fund, and some other state and federal funding to provide or support civil legal aid to indigent Californians. Nonprofit organizations and nonprofit law school clinics must reapply for QLSP and support center status every year. They are then subject to monitoring by and reporting to the LSTFC and State Bar of California. For more information, see Business and Professions Code sections 6210–6228.

<sup>12</sup> Welfare and Institutions Code section 5971 defines “CARE agreement” as “a voluntary settlement agreement...[that] includes the same elements as a CARE plan to support the respondent in accessing community-based services and supports.” A “CARE plan” is “an individualized, appropriate range of community-based services and supports, as set forth in this part, which include clinically appropriate behavioral health care and stabilization medications, housing, and other supportive services, as appropriate, pursuant to Section 5982.”

<sup>13</sup> Welfare and Institutions Code section 5971 defines “CARE process” as “the [CARE] court and related proceedings to implement the CARE Act.”

Support centers will have a separate allocation to serve some or all of the participating counties. The maximum amount that a support center may request is \$500,000. There is no minimum amount of funding that QLSPs and support centers may request.

4. Services must start—QLSPs, for example, must be ready to accept appointments—by October 1, 2023, for Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties.<sup>14</sup> Services must start by December 1, 2023, for Los Angeles County. The grant period will end on June 30, 2024.
5. CARE Courts may appoint QLSPs to represent non-indigent respondents. QLSP and support center grantees need to track spending on any services to non-indigent clients. They must deduct this spending on their annual IOLTA application pursuant to Business and Professions Code sections 6213 and 6216.

## DISTRIBUTING FUNDS BY COUNTY

SB 101 proposes \$20,400,000 for QLSPs and public defenders to represent respondents in 2023–2024. The committee determined the amount available in each participating county as follows:

1. **Allocate funds by general population:** Divide each county’s population by the total population of all participating counties. Multiply the resulting percentage by the total funding for QLSPs and public defenders. This yields an initial amount for each county.
2. **Set a funding floor:** If step 1 provides less than \$60,000 to a county, raise its allocation to \$60,000 and adjust the remaining counties’ allocations proportionally.
3. **Adjust for the relative cost of providing counsel:** Except for counties where the allocation is \$60,000 pursuant to step 2, apply a cost-of-counsel factor. This calculation will be based on the average combined salary/wage for public defender attorneys and paralegals in each county.<sup>15</sup>

A total of \$20,400,000 would yield the allocations below. The final column (“Estimated number of cases in 2023–24”) provides context to help with application budgets. The Governor’s Office anticipates about 4,000 cases in 2023–2024:

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14 Welfare and Institutions Code § 5970.5.

15 The LSTFC may use each county’s most recent pay data—for the same or similar period—from the California State Controller’s Office or comparable database for public defender office pay.

**Table 1: Funding to Represent Respondents in Each County**

County	Funding allocation	Estimated cases <sup>16</sup>	Funding per estimated case <sup>17</sup>
Glenn	\$60,000	6	\$10,000
Los Angeles	\$10,158,089	1,938	\$5,242
Orange	\$2,852,842	628	\$4,543
Riverside	\$2,490,970	493	\$5,053
San Diego	\$3,135,413	653	\$4,802
San Francisco	\$1,230,524	161	\$7,643
Stanislaus	\$412,162	110	\$3,747
Tuolumne	\$60,000	11	\$5,455
<b>Total</b>	<b>\$20,400,000</b>	<b>4,000</b>	

SB 101 proposes up to \$1,020,000 for support centers to provide legal training and technical assistance to implement the CARE Act. Any amount remaining from the support center allocation must go to QLSPs and public defenders to represent respondents.

## SCORING CRITERIA

LSTFC award decisions are final and without appeal. A successful proposal will persuasively describe the applicant's ability to perform the proposed work. For QLSPs this includes, among other factors, the organization's experience:

- Serving adults "experiencing a severe mental illness, as defined in paragraph (2) of subdivision (b) of [Welfare and Institutions Code] Section 5600.3 and has a diagnosis identified in the disorder class: schizophrenia spectrum and other psychotic disorders, as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders."<sup>18</sup>
- Representing clients in mental health cases such as LPS conservatorships or assisted outpatient treatment matters.

<sup>16</sup> The Governor's Office anticipates about 4,000 cases in 2023–2024. The estimate for each county is based on its share of the general population for all participating counties.

<sup>17</sup> This column divides each county's funding allocation (column two) by its share of estimated cases in 2023–2024 (column three). SB 101's funding for QLSP and public defender representation assumes that a typical CARE Court case will take about 40 hours. This column, therefore, might provide a high estimate of the funding available per case if a typical matter takes more than 40 hours to resolve.

<sup>18</sup> Welfare and Institutions Code § 5972.

- Helping clients to access the types of community-based services and supports that Welfare and Institutions Code section 5982 describes. This includes behavioral health care, housing, and other services.
- Litigating and negotiating (e.g., with county behavioral health agencies).

Additionally, it should be clear how all grant-funded activities would comply with the CARE Act and Budget Act of 2023.

The committee has adopted the following rubric to guide its deliberations:

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
<b>Project impact and strategies:</b> The applicant describes how it will significantly and directly perform the role of QLSP or support center under the CARE Act and Budget Act.				
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<b>Number of check marks</b>	<b>X21-25 points</b>	<b>X11-20 points</b>	<b>X1-10 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Administration:</b> The applicant demonstrates that it has the organizational capacity (e.g., supervision structure and resources) that it needs to meet the proposal objectives.				
<b>Project evaluation:</b> The applicant details how it will acquire and use data to measure the effectiveness of its services and meet reporting requirements				
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<b>Subtotal</b>				
<b>Total</b>				

The rubric is a tool to guide committee and LSTFC discussion of proposals. A comparatively high score does not guarantee funding. The committee and LSTFC may still exercise discretion to make awards that best accomplish the statutory goals of this funding.

The following explanations refer to the rubric:

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## GRANTMAKING TIMELINE

**Table 2: 2023–2024 CARE Court Grant Timeline**

Date(s)*	Activity
June 27, 2023	The committee approves the RFP
June 30, 2023	The application releases
July 17, 2023	Applications are due
August 2, 2023	The committee recommends awards to the LSTFC
August 10, 2023	The LSTFC approves awards

Date(s)*	Activity
August-September 2023	Applicants sign grant agreements
October 1, 2023	Grant period starts
October 1, 2023	Services start for Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties
December 1, 2023	Services start for Los Angeles County

\*Some dates are approximate to accommodate applicant, LSTFC, and staff availability and needs.

## THE APPLICATION

A complete 2023–2024 CARE Court application will include the components below. Please see the application instructions for detailed guidance.

- 1. Project profile**

The project profile will include high-level information about the project such as its funding request, counties of focus, and abstract.

- 2. Project description**

The project description will include information about the applicant’s qualifications and deliverables. This includes the project’s goals, activities, targets for representation, and strategies for outreach, accessibility, and evaluation. It will also ask about the applicant’s qualifications and resources to perform the work safely and effectively.

- 3. Project budget**

The budget will include information on how the applicant proposes to spend 2023–2024 CARE Court funds in each county for which they apply. Applicants will need to identify staff by their role (e.g., “Managing attorney”) and estimate the amount of time that these roles would spend on the project. The project staff, budget, and description should be consistent with one another.

- 4. Budget narrative**

The budget narrative will include information about each line of the budget, noting whether the grant will directly pay for specific items or be allocated on a percentage or other basis.

- 5. Project assurances**

Each applicant will have to acknowledge that:

1. It agrees that it will use any funds it receives from a 2023–2024 CARE Court grant only for the purposes stated in its application. Should the State Bar of California (State Bar) determine in its sole discretion that the applicant is unlikely to use all



funds received for these purposes within the grant period, the applicant will return funds to the State Bar as directed by the State Bar.

2. It will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
3. It will comply with quality control procedures adopted by the State Bar.
4. It will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of the grant.
5. It will comply with fiscal management and control procedures adopted by the State Bar.
6. It understands that any proposal submitted for a 2023–2024 CARE Court grant, and all documents submitted pursuant to issuance of 2023–2024 CARE Court funding, are public documents, and may be disclosed to any person.
7. It agrees it will file regular program and financial reports, as may be required by the State Bar, and cooperate with other data collection requests by the State Bar for this grant project.
8. The State Bar is permitted, in its sole discretion, to adjust Applicant’s award at any time to reflect the actual amount of funding available for 2023–2024 CARE Court grants. Consequently, grantees shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received are insufficient or unavailable to the State Bar.

## REPORTING REQUIREMENTS

Grantees must report quantitative and qualitative data describing their clients and activities. This data will include case outcomes tied to individual characteristics.

The 2023–2024 CARE Court grants may use the existing framework for Equal Access Program reporting except where necessary to meet other state requirements. Reporting requirements are subject to guidance from the Department of Finance and other agencies. As such, some requirements might become known to the State Bar at a later date.

The committee will finalize the 2023–2024 reporting requirements by September 2023. Requirements are likely to include:

**1. Quarterly expenditure reports**

Grantees may have to submit quarterly spending reports that compare expenditures to the approved budget. Grantees will have to report budget variances exceeding 10 percent of the award to the State Bar as soon as possible. Budget variances exceeding 10 percent of the award require an official budget revision request and State Bar or LSTFC approval.

**2. Quarterly services reports**

Grantees may have to submit quarterly reports with client-level data on:

- A. Case outcomes, such as select main benefits in the *California Legal Aid Reporting Handbook*, that are relevant to representing respondents in CARE Court. Grantees may need to specify whether the outcome is verified.
- B. Geographic and other demographic data, tied to verified/unverified outcomes, for all clients.
- C. The nature and length of services for all cases where there was an attorney-client relationship and aggregated data about all other services (e.g. trainings) during the grant.
- D. (To the extent possible) Economic benefits for cases that resulted in an award for or savings to the client.
- E. (For QLSPs) The time it takes to represent respondents in CARE Court and related information (e.g., number of hearings and hearing type).
- F. (For support centers) Quantitative and qualitative data about trainings, convenings, research, and other support for QLSPs, courts, county behavioral health agencies, and others.
- G. Any other quarterly data necessary to comply with state reporting requirements.

**3. A final evaluation**

Grantees may have to submit a final evaluation about outputs and outcomes such as:

- A. Community impact: How this project affected the people it served.
- B. Evaluation/Assessment: The processes used to assess the effectiveness of this project and lessons learned about the project itself or the community it served.
- C. Reports: Reports about the evaluation or assessment of this project or

demonstrating the effect of its services (e.g., client satisfaction surveys, pre- and post-test results, number of trials, outcome of trials, etc.).

- D. Publications: Any publication or distribution plans for materials resulting from grant activities.
- E. Any other final evaluation data necessary to comply with state reporting requirements

## FOR QUESTIONS

For questions about the 2023–2024 CARE Court grants, please contact Christopher McConkey, Program Supervisor, at (213) 765-1505 or [christopher.mcconkey@calbar.ca.gov](mailto:christopher.mcconkey@calbar.ca.gov).

## 2023–2024 CARE Court Grant Application Profile Sheets

<b>Organization</b>	<b>Justice &amp; Diversity Center of the Bar Association of San Francisco</b>
<b>Project name</b>	SF - CARE Court Implementation
<b>Amount requested</b>	\$370,401
<b>County(ies) served</b>	San Francisco (50 respondents)
<b>Services dates</b>	October 1, 2023–June 30, 2024
<b>Project abstract</b>	<p>HAP attorneys will represent Respondents in CARE Court and throughout the CARE Court process. We will engage with referred clients, help them understand the CARE Court process and evaluate their needs and options, facilitate their participate in the development of CARE plans that meet their needs, and guide them to make informed decisions about how to proceed. We will work with clients on an ongoing basis to help make sure that they are able to access the services that they need, by both engaging effectively with clients and by advocating effectively with providers and Behavior Health.</p> <p>HAP staff will attend all CARE Court hearings, file all required pleadings and forms, and gather and report on all required client data. A Legal Advocate will assist in preparing the legal documents and will assist the attorneys in providing legal representation by helping to communicate with clients, assisting clients in attending court hearings and other required meetings, and assisting in the collection and reporting of data. A Licensed Clinical Social Worker will spend about five hours per week assisting with legal representation by providing expertise and assistance engaging with the clients and advising on the most appropriate CARE Court services.</p>
<b>Organizational experience (clients with a severe mental illness)</b>	<p>The target population for CARE Court is composed of exactly the clients we prioritize at HAP -- severely mentally ill persons, many of whom are homeless. Many of our clients have a diagnosis of schizophrenia and/or other psychotic disorders. We have been representing this client population for more than three decades and are very aware of the extreme need for adequate services, as well as the profound challenges in working with these clients and accessing services. We hope CARE Court representation will help these clients effectively access and engage with the services they so desperately need.</p> <p>We have a Licensed Clinical Social Worker on staff who assists the attorneys in providing effective legal representation to this client population. We also provide all of our staff with training on specific approaches to working effectively with clients who have certain diagnoses, as well as trainings on de-escalation, trauma-informed care,</p>

Organization	Justice & Diversity Center of the Bar Association of San Francisco
	secondary trauma, relevant professional ethics, and substance abuse issues.
<b>Organizational experience (community-based services advocacy)</b>	<p>Because we have a holistic approach to legal services, all of our work seeks to address the underlying issues that are causing our clients' legal problems. As such, it is integral to our approach to advocate for our clients to access mental health services, substance abuse treatment, housing, housing transfers, in-home support services, deep cleans, or any other services or benefits that they need in order to improve their situations. We have many years of experience successfully providing advocacy to clients for these services.</p> <p>We have a Licensed Clinical Social Worker on staff, and her expertise is crucial in effectively working with this client population. We strongly believe that she needs to be involved in CARE Court representation, not to do case management, but to utilize her expertise to support attorney staff in engaging effectively with severely mentally ill clients, to share her deep knowledge of the services available in San Francisco, and to help the attorneys determine which services are most appropriate for each client. We also provide the subject matter expertise for the San Francisco Service Guide (<a href="http://sfserviceguide.org">sfserviceguide.org</a>), which lists the vast array of services available in San Francisco, and which will be helpful in development of appropriate CARE plans.</p> <p>This is a client population that can be very difficult to serve, and who by definition are not already engaged in services, so it will be particularly important that they be served by experienced, knowledgeable staff.</p>
<b>Organizational experience (litigation and negotiations)</b>	<p>HAP staff have an extensive litigation practice, primarily but not exclusively conducting unlawful detainer defense, handling full-scope litigation at all stages of the proceedings. Our attorneys appear in court regularly. We also provide representation and advocacy in administrative proceedings, with the Social Security Administration, the United States Citizenship and Immigration Services (USCIS), the San Francisco Rent Board, and other agencies. Since most of our cases do not actually go to trial, negotiation is a substantial part of our litigation practice, as well as an important aspect of securing supporting services for our clients. We have an excellent track record of negotiating successful results for our clients, not only in resolving their initial legal issues, but also providing ongoing support to clients in obtaining and maintaining services and stability.</p> <p>Outside of HAP, JDC's many other projects regularly conduct litigation in family court, immigration proceedings, tax matters, and a range of other civil legal issues.</p>

Organization	Justice & Diversity Center of the Bar Association of San Francisco
<b>Organizational experience (mental health cases)</b>	<p>While we do not usually represent clients in in LPS conservatorships or in hearings to determine whether clients will be released from 5150 or 5250 holds, we often coordinate with the attorneys who are providing that representation to shared clients. What is happening in the conservatorship or involuntary commitment context is often very relevant to the parallel proceedings in which we are representing the clients, such as eviction cases or applications for disability benefits, and it is important that we work together in our shared clients' best interests. We feel comfortable working with this client population, and providing representation in the Superior Court, in the new context of CARE Court proceedings.</p>
<b>Organizational capacity</b>	<p>The Justice &amp; Diversity Center of the Bar Association of San Francisco (JDC) follows its mission to advance fairness and equality by providing pro bono legal services to low-income people and educational programs that foster diversity in the legal profession.</p> <p>JDC is one of the largest and most distinguished legal services providers in San Francisco. JDC's primary goal is to assist the community's most vulnerable low-income members to resolve issues related to homelessness, housing, public benefits, immigration, domestic violence, and family and economic stability including debt, credit, and tax problems. JDC addresses these issues by providing free legal services and supporting social services to approximately 9,000 low-income clients each year through an innovative service delivery model that is inexpensive, highly effective, and deeply impactful. In addition to services provided by staff, JDC trains and supports a pool of 1,800 volunteer attorneys, legal advocates, social workers, and tax professionals. The efforts of these dedicated volunteers enable JDC to serve far more clients than it would otherwise.</p> <p>JDC's HAP has served the low-income, homeless, disabled, and severely mentally ill populations of San Francisco for more than 30 years. HAP provides a unique mix of legal and social services to surround each client and address the underlying issues that cause each client's legal issues. While we will utilize this experience and expertise in the operation of JDC's CARE Court project, the project will only provide legal services to CARE Court clients.</p>

<b>Organization</b>	<b>Legal Assistance to the Elderly</b>
<b>Project name</b>	CARE Court Representation for San Francisco Seniors and Persons with Disabilities
<b>Amount requested</b>	\$381,694
<b>County(ies) served</b>	San Francisco (50 respondents)
<b>Services dates</b>	October 1, 2023–June 30, 2024
<b>Project abstract</b>	<p>Legal Assistance to the Elderly proposes to provide CARE Court representation to 50 seniors and adults with disabilities in San Francisco during the nine-month grant period. LAE has extensive experience providing legal services to seniors and adults with disabilities experiencing severe mental illness, and will work in collaboration with the other QLSP applicant in San Francisco, Homeless Advocacy Project, and the Public Defender's office. LAE has extensive experience in litigation and advocacy in court, in front of administrative agencies, and in many contexts including advocating for services from county behavioral health agencies. Ninety percent of our 2,000 cases each year involve negotiation, and over 700 matters each year are litigated in San Francisco Superior Court. Funding will support two full-time attorney positions and a full-time legal advocate.</p>
<b>Organizational experience (clients with a severe mental illness)</b>	<p>As described above, last year LAE served 200+ clients with severe mental illness including schizophrenia spectrum, bi-polar disorder, disabling depression, obsessive compulsive disorder, and post-traumatic-stress-disorder. Our staff is trained in how to communicate and respectfully engage with clients who have mental illness including psychotic disorders on legal issues, options, and reasonable accommodation action plans. Our success rate for keeping clients with mental illness who are facing eviction housed is over 90%.</p> <p>One recent client was a 68-year-old male with untreated schizophrenia and substance use who came to us because of nuisance allegations including violence toward another tenant, resulting in an eviction lawsuit. Our client has a history of homelessness and was placed in supportive housing 1.5 years earlier after being unhoused, and struggled to comply with house rules and lease requirements. LAE began an assertive defense, including extensive discovery, motion work and preparation for trial. Additionally, we requested a reasonable accommodation that would allow the client to engage in treatment rather than be evicted. While litigating the case, an LAE attorney, with the support of an LAE social worker, got our client into substance abuse treatment and connected him to a San Francisco Department of Public Health Clinic for mental health support. Once the client was stabilized, he agreed to take medications to treat his psychotic disorder. Today, he continues to</p>

Organization	Legal Assistance to the Elderly
	maintain his housing and is still sober. In the end, his housing provider dismissed the eviction case against him.
<b>Organizational experience (community-based services advocacy)</b>	<p>LAE has extensive experience helping connect clients to services, including advocating for client access to community-based supports. We use a holistic approach to the provision of legal services, seeking to address the underlying issues that are causing our clients' legal problems. Advocating for clients' access to mental health services, substance abuse treatment, housing, housing transfers, in home support services, deep cleans, and other services or benefits is integral to addressing their legal problems. We are successful in getting clients' "buy-in" for service plans and then advocating to get them services despite long waitlists and a complicated and disconnected network of providers.</p> <p>LAE has many years of experience successfully providing advocacy to clients for these services. We anticipate that CARE Court clients will be especially challenging to reach and to serve because they are by definition not yet engaged in services. We have a Licensed Clinical Social Worker on staff, and her expertise will be crucial to our ability to work effectively with this client population. We strongly believe that she needs to be involved in CARE Court representation, not in order to provide case management to clients, but to provide expertise to LAE's attorney staff in how to engage effectively with severely mentally ill clients, share her encyclopedic knowledge of the services available, and help attorneys determine which services are appropriate for each client.</p>
<b>Organizational experience (litigation and negotiations)</b>	<p>LAE has extensive experience in litigation and advocacy in court, in front of administrative agencies, and in many contexts including advocating for services from county behavioral health agencies. Ninety percent of our 2,000 cases each year involve negotiation, and over 700 matters each year are litigated in San Francisco Superior Court. Our areas of litigation include eviction/Unlawful Detainer defense, affirmative housing preservation and fair housing actions, consumer debt defense, financial elder abuse matters, foreclosure and title matters. We are in front of administrative bodies advocating for housing rights and health and income benefits, including disability-based benefits. We also have extensive experience navigating the complicated network of County-provided and funded social services and housing opportunities to advocate for our clients and get them the services they need. This advocacy is essential to ensuring our clients' success.</p>
<b>Organizational experience (mental health cases)</b>	<p>LAE, as an organization, does not represent clients in LPS Conservatorships. However, some of our attorneys are on a panel of attorneys who are appointed to represent individuals in probate conservatorships. Our clinical social work supervisor, in a previous</p>



Organization	Legal Assistance to the Elderly
	<p>position, started the initial application process for conservatorship for an aging senior. She prepared historical documentation with the goal of providing the court a picture of the senior's decline and whether they could manage their own basic needs or live in the community safely.</p> <p>The option of utilizing an assisted outpatient treatment program is commonplace for our clients who qualify for this service. We currently seek this option when those clients who agree to it.</p>
Organizational capacity	<p>LAE's mission is to protect and advance the right of San Francisco's seniors and adults with disabilities to be housed, healthy, financially stable, and safe. LAE was founded by a group of volunteer attorneys to serve the unmet legal needs of San Francisco seniors in 1979. In 2003, we expanded our services to include adults with disabilities. We've taken on over 51,000 cases since our founding, which makes us an expert in the legal needs of seniors. When eviction, elder abuse, termination of benefits or aggressive creditors threaten our clients, LAE is their lifeline.</p> <p>In FY 2024, LAE will help over 2,000 seniors and adults with disabilities hold on to their homes, fight off debt collectors, keep their public benefits, or escape physical and financial abuse. LAE is the only legal services organization in San Francisco that focuses solely on the legal needs of seniors and adults with disabilities. Ninety-seven percent of our clients are low-income, nearly two-thirds are people of color, and 57% have a physical or mental disability.</p> <p>LAE is requesting funding for three full-time positions. A supervising attorney and a staff attorney will provide full-scope representation to CARE Court respondents and collaborate with other QLSPs and the Public Defender. A legal advocate will provide support for the attorneys and clients, conduct intakes, handle filings and draft pleadings, and identify appropriate community-based services. Our Executive Director and a Grants Coordinator will handle grants administration.</p>

## Breakdown of Scores for the 2023–2024 CARE Court Grant Applications

Organization	Project impact and strategies	Qualifications	Administration	Project evaluation	Total score	Funding recommendation
Legal Assistance to the Elderly	23	22	11	15	71	\$ 381,694
Justice & Diversity Center of the Bar Association of San Francisco	24	20	14	11	69	\$ 370,401
Total						\$ 752,095

## Rubric Points Awarded

	Project impact and strategies	Qualifications	Administration	Project evaluation
Exceeds Expectations	21-25	21-25	15	15
Meets Expectations	11-20	11-20	10	10
Below Expectations	1-10	1-10	5	5
Not Addressed	0	0	0	0

Organization	Project impact and strategies	Qualifications	Administration	Project evaluation	Total score	Funding recommendation
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