



The State Bar of California

OPEN SESSION AGENDA ITEM OCTOBER 2023 LEGAL SERVICES TRUST FUND COMMISSION 3.1

DATE: October 13, 2023

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

FROM: Members, LSTFC CARE Court Grants Committee

SUBJECT: Approve Recommendations for 2023 CARE Court Grants

EXECUTIVE SUMMARY

On September 14, 2022, Governor Newsom signed the Community Assistance, Recovery, and Empowerment (CARE) Act.¹ The CARE Act creates a new court program (CARE Court) that launched October 1, 2023, in Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties and will launch December 1, 2023, in Los Angeles County.² The Budget Act of 2023, as amended, (Budget Act) provides funding for LSTFC awards to qualified legal services projects (QLSPs), support centers, and other qualifying entities to implement the CARE Act.³

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.⁴ So that the grant period could start by October 1, 2023, the

¹ Welfare and Institutions Code §§ 5970–87.

² The CARE Act required 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.

³ The language of the Budget Act is available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB104.

⁴ The LSTFC resolution states:

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 initially due July 17, 2023. The LSTFC approved initial CARE Court awards for two QLSPs on August 10, 2023.

Subsequently, on September 13, 2023, the Governor signed Senate Bill 104 (SB 104). SB 104 amended the original Budget Act of 2023 to authorize CARE Court grants to “other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders.” No support centers had applied for a 2023-2024 CARE Court grant. One agency has since applied for funding as an other entity. This memo describes the process for scoring that proposal and presents the Committee’s funding recommendation. The LSTFC will meet on October 13, 2023, to vote on this award.

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 launched October 1, 2023, in Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties and will launch December 1, 2023, in Los Angeles County (participating counties).⁵

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.⁶ Furthermore, the LSTFC may fund QLSPs to represent respondents “in CARE Act proceedings, matters related to CARE agreements and CARE plans.”⁷ The LSTFC may also fund qualified support centers—and

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.

⁵ Welfare and Institutions Code § 5970.5. See footnote two for more information.

⁶ Welfare and Institutions Code § 5977.

⁷ 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.”

other entities—to provide related “training, support, and coordination.”⁸

The Budget Act provides the funding for these QLSP, public defender, support center, and other entity services between October 1, 2023, and June 30, 2024, in the participating counties.⁹ The amount for QLSPs and public defenders to represent respondents in CARE Court will be at least \$20,400,000. Support centers and other entities can receive up to \$1,020,000 to provide legal training and technical assistance to implement the CARE Act.¹⁰

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
Project impact and strategies: The applicant describes how it will significantly and directly perform the role of QLSP or support center under the CARE Act and Budget Act.				
Qualifications: The applicant demonstrates that it has the qualifications (e.g., knowledge, experience, and relationships) that it needs to accomplish the proposal’s goals.				
Number of check marks	X21-25 points	X11-20 points	X1-10 points	X0 points
Subtotal				
Administration: The applicant demonstrates that it has the organizational capacity (e.g., supervision structure and resources) that				

⁸ Ibid.

⁹ The Budget Act.

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

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
it needs to meet the proposal objectives.				
Project evaluation: The applicant details how it will acquire and use data to measure the effectiveness of its services and meet reporting requirements				
Number of check marks	X15 points	X10 points	X5 points	X0 points
Subtotal				
Total				

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 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:

- **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

One applicant was considered for funding as an other entity. Please see Attachment B for a profile sheet summarizing that proposal. The scoring team consisted of two Committee members and two State Bar Office of Access & Inclusion staff members. Following the same approach as for the initial CARE Court grants, the team arrived at a rounded, average score for each row of the rubric. The team also set the same minimum score for it to recommend funding (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.¹¹ Many—if not almost all—respondents will be homeless or at risk of homelessness. The scoring team focused on whether the proposal for other entity funding demonstrated an ability to support QLSPs and public defenders in serving this particularly high-need population. For instance, the team discussed the applicant's readiness to:

- Prepare QLSPs and public defenders to serve people who have severe mental health issues.
- Support QLSPs and public defenders in implementing CARE plans and agreements, as well as to advocate for respondents in court.
- Evaluate its services to QLSPs and public defenders.
- Provide substantive expertise.

The proposal scored 62 points out of 80. With a minimum score of 56 points to recommend funding, the Committee recommends the proposal for an award:

Table 1. Award Recommendation

Applicant	Score	Recommend	Amount
Scores of 56–80 (recommend for funding)			
Indigent Defense Improvement Division, Office of the State Public Defender	62	Yes	\$254,850

The Committee recommends funding the above applicant at the full amount it requested.

REALLOCATING THE REMAINING FUNDS FOR SUPPORT CENTERS AND OTHER ENTITIES

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 and other entities to provide legal training and technical assistance to implement the CARE Act. Any amount remaining from the \$1,020,000 for support centers and other entities must go to representation for respondents.¹²

¹¹ Welfare and Institutions Code § 5972.

¹² The Budget Act.

If the LSTFC approves an award of \$254,850, the remaining \$765,150 will be distributed among the participating counties via the formula allocation for QLSPs and public defenders. Table 2 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 and QLSPs.

Table 2: Updated Funding to Represent Respondents in Each County¹³

County	Initial (RFP) allocation	Updated allocation	Amount for QLSPs	Amount for public defenders ¹⁴
Glenn	\$60,000	\$60,000	\$0	\$60,000
Los Angeles	\$10,158,089	\$10,541,281	\$0	\$10,541,281
Orange	\$2,852,842	\$2,960,554	\$0	\$2,960,554
Riverside	\$2,490,970	\$2,584,957	\$0	\$2,584,957
San Diego	\$3,135,413	\$3,253,752	\$0	\$3,253,752
San Francisco	\$1,230,524	\$1,276,860	\$752,095	\$524,765
Stanislaus	\$412,162	\$427,746	\$0	\$427,746
Tuolumne	\$60,000	\$60,000	\$0	\$60,000
Total	\$20,400,000	\$21,165,150	\$752,095	\$20,413,055

CONCLUSION

Overall, the recommended applicant demonstrated that it will be ready to provide high-quality support services to CARE Court QLSPs and public defenders starting this fall.

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 recipient and amount as described herein.

¹³ 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 if \$765,150 remains from the \$1,020,000 for support centers and other entities. Column four shows the LSTFC's 2023–2024 awards to QLSPs. Column five subtracts the awards to QLSPs 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 recommendation.

¹⁴ The allocation formula provides a minimum of \$60,000 for QLSPs and public defenders to represent respondents in each county. Glenn and Tuolumne Counties would still receive \$60,000 after allocating the \$765,150 that would remain from the recommended award. This is because those counties would still be under this funding floor even after reallocating these funds.

ATTACHMENTS LIST

- A.** 2023–2024 CARE Court Grant RFP
- B.** Profile Sheet for Other Entity Application
- C.** Breakdown of Scores for Other Entity Application



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.¹ 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).²

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.³ 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.”⁴ The LSTFC must also fund qualified support centers to provide related “training, support, and coordination.”⁵

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

¹ Welfare and Institutions Code §§ 5970–87.

² 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.

³ Welfare and Institutions Code § 5977.

⁴ 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.”

⁵ Ibid.

participating counties.⁶ 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.⁷

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.⁸

On March 24, 2023, the LSTFC created a committee to make 2023–2024 CARE Court awards to QLSPs and support centers.⁹ 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).

⁶ 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. Pending the Governor’s signature, SB 101 will become the Budget Act of 2023.

⁷ 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.

⁸ SB 101.

⁹ 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 6213.¹⁰ Applicants must have received an Interest on Lawyers’ Trust Accounts (IOLTA) grant from the LSTFC for 2023.¹¹

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.¹² 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 101.¹³
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.

¹⁰ Welfare and Institutions Code § 5981.5 and SB 101.

¹¹ 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.

¹² 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.”

¹³ 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.¹⁴ 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.¹⁵

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:

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 ¹⁶	Funding per estimated case ¹⁷
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
Total	\$20,400,000	4,000	

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."¹⁸
- Representing clients in mental health cases such as LPS conservatorships or assisted outpatient treatment matters.

¹⁶ 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.

¹⁷ 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.

¹⁸ 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
Project impact and strategies: The applicant describes how it will significantly and directly perform the role of QLSP or support center under the CARE Act and Budget Act.				
Qualifications: The applicant demonstrates that it has the qualifications (e.g., knowledge, experience, and relationships) that it needs to accomplish the proposal's goals.				
Number of check marks	X21-25 points	X11-20 points	X1-10 points	X0 points
Subtotal				
Administration: The applicant demonstrates that it has the organizational capacity (e.g., supervision structure and resources) that it needs to meet the proposal objectives.				
Project evaluation: The applicant details how it will acquire and use data to measure the effectiveness of its services and meet reporting requirements				
Number of check marks	X15 points	X10 points	X5 points	X0 points
Subtotal				
Total				

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:

- **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.
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- **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.

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.

Profile Sheet for Other Entity Application

Organization	Indigent Defense Improvement Division, Office of the State Public Defender
Project name	Statewide CARE Court Attorney Training and Technical Assistance
Amount requested	\$254,850
County(ies) served	Glenn, Los Angeles, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne
Services dates	October 1, 2023–June 30, 2024
Project abstract	<p>The goal of the proposed project is to provide high quality and accessible training and network building to public defense offices and legal aid attorneys who are representing clients in CARE Court. Core aspects of the proposed project include:</p> <ol style="list-style-type: none"> 1) Live and virtual trainings: Attorneys will need to learn and practice skills related to working with clients who have severe mental illness. Content will include client interviewing and relationship building skills, ethical issues that arise and legal issues. While virtual trainings can be excellent mechanisms for providing information, live trainings allow providers to practice skills in a safe environment. This live training component is essential when training attorneys for court appearances and in interacting with challenging clients as both those modules require repeated role play and full body awareness (how close to sit, how loud to speak, etc). 2) On-demand Classes: On demand content is useful for attorneys who are suddenly placed in a CARE Court assignment and need a concentrated dose of training or who want to access training on their own time. As part of this project, we will create a full overview of CARE Court, and the training and information needed by defense counsel to function well in those courts and to represent their clients ethically and zealously. The content will be freely available to public defenders and legal aid providers representing people in CARE Court. 3) Written materials: The project will create a CARE Court handbook and sample motions specific to attorneys that they can reference and use in court. In addition, if there are written judicial decisions that affect CARE Court practice, they will be summarized and distributed in regular intervals. 4) Clearinghouse: The project will serve as a clearinghouse for CARE Court materials and information that are relevant to attorneys,

Organization	Indigent Defense Improvement Division, Office of the State Public Defender
	<p>and serve to network attorneys across counties to learn from each other about how to set up their units, best practices and to provide support as programs grow.</p>
<p>Organizational experience (clients with a severe mental illness)</p>	<p>The Indigent Defense Improvement Division is staffed with nine attorneys with significant public defender experience, having collectively represented thousands of clients and tried hundreds of cases. Our staff regularly trains at conferences across the state and country on working with clients, trial skills and working in collaborative courts. A current IDID staff attorney has previously served as the lead defense attorney for a large urban county for its Behavioral Health and Collaborative Courts, representing clients with mental health diagnoses in both adult and juvenile court. OSPD staff on this project have significant experience representing people with severe mental illness and supervising attorneys who do so and all of our attorneys have represented adults with severe mental illness, including schizophrenia spectrum and other psychotic disorders.</p> <p>OSPD recognizes that virtually all public defender offices have staff with specialized knowledge related to serving clients with severe mental illness. Public defenders are trained to represent their clients in criminal competency proceedings where a client's mental illness prevents them from understanding the basics of the charges against them and court proceedings. In addition, public defender offices represent clients in conservatorship (LPS) proceedings and those proceedings involve clients with such serious mental illness that they are unable to make decisions for their own care. Many public defender offices also staff mental health diversion courts and have forensic social workers on staff. OSPD will partner with the experts in public defender offices to train additional lawyers to work with this client population, and to expand that training to include working with clients outside of carceral settings. OSPD has also identified Laurie Hallmark, as an expert it would seek to work with to provide training. Ms. Hallmark was a Mental Health Programs attorney at Texas Rio Grande Legal Aid working specifically with severely mentally ill clients and now works as a consultant to implement psychiatric advance directives and effective techniques for communication with clients who have severe mental illness. If OSPD is awarded this grant, it will also immediately reach out to Health Management Associates (HMA), the contractor providing support to the Department of Health Care Services with CARE Court training for providers, to present trainings related to</p>

Organization	Indigent Defense Improvement Division, Office of the State Public Defender
	<p>explaining complicated and emotionally challenging material to those with severe mental illness.</p> <p>In December IDID is opening a training series on representing clients in sexually violent predator (SVP) civil commitment proceedings. This series includes trainings by a forensic psychiatrist, attorneys presenting on how to work with experts, and a member of the assessment board that monitors these proceedings. Although certainly those experiencing a severe mental illness are not equivalent to the SVP population, as training projects, many of the training modules are similar (working with clients who challenge us, working with experts, assessing proper services and mechanisms for treatment adherence, etc). The specific experts will differ, but the framework is one that IDID has mastered. The learnings and partnerships IDID has made in preparing for this series will be particularly helpful in preparing for CARE Court trainings.</p> <p>IDID has also provided numerous trainings on building a medical, psychiatric and social/education history through records and interviews for clients with mental illness and understanding medical records. These trainings have been done by IDID attorneys in collaboration with community non profits, CDCR, and medical and mental health experts.</p>
Organizational experience (community-based services advocacy)	<p>IDID is unique in that it does not directly advocate on behalf of individual clients, but is solely a training and technical assistance division. However, the members of our team have extensive prior experience with direct representation and service-connecting advocacy.</p> <p>As an agency, IDID has worked closely with select counties (using MOU procedures) to provide information about their indigent defense systems. This involves closely collaborating with stakeholders including, attorneys, behavioral health, county counsel, courts, sheriff's offices, community organizations, local advocates, community based mental health and directly impacted community members, to assess what is working, what is not, and how challenges can be addressed.</p> <p>We have also partnered with organizations specializing in these areas to provide training to counsel. A small example of these trainings include: (1) IDID partnered with HomeBase, a community-based organization, to provide a series of trainings for defenders addressing the homeless system of Continuum of Care. As part of this training, a detailed breakdown of the different types of available housing options (such as</p>

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	<p>Rapid Rehousing, Permanent Supportive Housing and public housing) was explored. These training sessions also included information on housing program eligibility and best practices for working with clients to understand their housing needs and preferences. Finally, these trainings also covered how to identify and collaborate with local CoCs, and how to advocate with landlords and property owners to prevent housing loss. (2) IDID partnered with Activating Change, a community-based organization, to provide information about advocating for clients with disabilities and recognizing and advocating for needed accommodations. (3) IDID partnered with social worker units in county indigent defense systems, including San Mateo's Private Defender Program, as well as national organizations such as Justice Policy Institute at Urban Center, to train on how attorneys can work with social workers to enhance communication with clients and to facilitate access to services. (4) IDID has worked extensively on issues related to Veteran's Courts, creating written materials and presenting at trainings related to available resources and services, collaboration across stakeholders, and access to records.</p> <p>Public defenders have significant experience assisting clients with accessing services, whether in the context of pretrial release requests, negotiating sentencing alternatives or proposing a probationary release. One key to ensuring attorneys can help implement CARE plans and agreements is ensuring they have insight into treatment options available from behavioral health. It appears that currently there is no public defender entity on the CARE Act working group despite the vast majority of providers being public defenders.</p> <p>[https://www.chhs.ca.gov/home/committees/care-act-working-group/]</p> <p>OSPD will advocate to be included (or to have a public defender representative) included to ensure that information flows to attorneys. In addition, OSPD will advocate with pilot county stakeholders to ensure that attorneys are always included in stakeholder meetings.</p>
Organizational experience (litigation and negotiations)	<p>The Indigent Defense Improvement Division is staffed with nine attorneys with significant public defender experience, having collectively represented thousands of clients and tried hundreds of cases. Our staff also all has professional training experience. Most recently IDID has provided training staff to California Public Defenders Association Trial Skills Institute, the Pacific Juvenile Defender Institute's Juvenile Justice Roundtable, National Legal Aid and Defenders Association Train the Trainer programs, National Criminal Defense College Trial Practice Institute and many other training programs. In addition, we have</p>

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	<p>developed an on demand course in post conviction litigation and are in the last stages of development for an on demand course in basic trial skills.</p> <p>The two attorneys leading this project have specific experience in this area. By example, one of the lead attorneys has previously negotiated with a county behavioral health agency, the local Sheriff's Office, and the Courts to establish a specialty court dedicated to addressing those with serious mental health issues who were facing criminal charges. In addition, one of the attorneys has experience negotiating with the county behavioral health agency, law enforcement agencies, judges, the Probation Department, and interested community groups to explore and develop mechanisms and procedures necessary to implement mental health diversion pursuant to Penal Code § 1001.36. That section allows for the discretionary diversion of criminal proceedings where certain criteria, including a diagnosis for schizophrenia and schizoaffective disorder, are met.</p> <p>Current IDID staff attorneys have extensive prior experience litigating on behalf of their clients in: mental health diversion proceedings, LPS proceedings, Mentally Disordered Offender proceedings, insanity proceedings and matters involving the competency of clients to stand trial.</p>
Organizational experience (mental health cases)	<p>IDID is applying as a training and technical assistance provider and has significant experience in providing legal training and technical assistance to legal providers. Our office has a rich base of experience to draw on regarding representing clients in mental health matters.</p> <p>A current IDID staff attorney has previously served as the lead defense attorney for a large urban county for its Behavioral Health and Collaborative Courts, representing clients with mental health diagnoses in both adult and juvenile court. In addition, IDID staff attorneys have previously worked as public defenders across the State of California, including in offices in Alameda, Imperial, Sonoma, Santa Barbara, Tulare, San Diego, Santa Clara and Los Angeles counties. In those positions, IDID attorneys have represented thousands of clients in cases that included LPS conservatorship trials, competency proceedings, insanity, and mentally disordered offender proceedings. As advocates, IDID staff attorneys regularly worked and collaborated with mental health experts, clinicians, probation officers, behavioral health agency representatives,</p>

Organization	Indigent Defense Improvement Division, Office of the State Public Defender
	<p>and mental health experts from the Department of State Hospitals to advocate on behalf of their clients. As such they both understand the training needed and recognize effective training modules.</p> <p>In addition, IDID staff previously participated in a regularly convened mental health roundtable with attorneys meeting to address issues across the state with competence delays and mental health diversion.</p>
Organizational capacity	<p>The Indigent Defense Improvement Division(IDID) of the Office of the State Public Defender is specifically tasked with providing training to indigent defense providers. Last fiscal year, the Training Division at IDID organized and put on four live trainings across the state and created and presented 41 webinars for indigent defense providers with a total of almost 7,000 unique registrants. In addition OSPD maintains a Training Sharepoint page accessible to attorneys, an on demand Learning Management System, and multiple active listservs. Alongside the training team, OSPD has a technical assistance team that builds relationships with attorneys in all counties, including small and rural counties without institutional public defender offices and provides technical assistance in implementing changes to indigent defense systems. In addition the agency serves as a subject matter expert for two public defender related grants with the Board of State Supervision and Corrections and works as a liaison between attorneys and CDCR mental health pre-release team. As a result OSPD is well equipped to provide training for attorneys in this new area of law.</p> <p>This project will benefit from an attorney from the training team, an attorney from the technical assistance team, a research data specialist, and an administrative support person, along with supervision from the Executive Director of the division. In addition this project envisions consultant contracts to increase capacity. OSPD staff will bear the primary responsibility for all live training, webinar development and online course development. In addition, OSPD staff will conduct all court observation, local technical assistance, and data analysis. However, to increase capacity for this short-term project, contractors will be utilized. Two primary contractors will be sought: an attorney with significant experience representing people with mental illness, and an administrative support contractor.</p> <p>Contractors will be used in four primary ways:</p>

Organization	Indigent Defense Improvement Division, Office of the State Public Defender
	<p>(1) Live training: Administrative support contractor will provide organization and planning support for live training and on demand courses. OSPD staff will set a curriculum, serve as primary training staff and identify and invite any needed additional non-OSPD presenters. Contractor will collate, design and format written materials provided by presenters, coordinate with presenters to ensure travel arrangements are made, work with conference space to manage event details, invite and track attendees, make any accommodations needed for invitees and provide other administrative support. Contractor will gather evaluation materials, ensure compliance with MCLE requirements and input evaluation data into database.</p> <p>(2) On-Demand Training: For on-demand courses, OSPD staff will determine training modules and presenters (using live training for content creation where possible). Where OSPD staff determine that outside presenters are needed, attorney contractor will identify potential outside presenters and provide the list to OSPD staff for final approval. The contractor will then create outlines with each presenter (OSPD staff or outside presenter) to ensure that training will be organized and complete and arrange for recording and editing into a coherent multi-hour course. All recordings will be viewed and approved by OSPD staff. Administrative contractors will collect evaluation data and complete data entry.</p> <p>(3) Written Materials: OSPD staff will draft CARE a Court Handbook. When updates are needed, attorney contractor will draft updates to be reviewed by OSPD staff. Attorney contractor will draft motions and other written materials to be reviewed and approved by OSPD staff. The attorney contractor will collate any legal decisions and/or court rules and practices related to CARE Court. The attorney and administrative contractor will distribute all written materials.</p> <p>(4) Data collection: OSPD staff will be responsible for developing data collection tools and conducting analysis. The administrative contractor will be responsible for distributing data collection tools and ensuring timely and complete data collection and data entry.</p>

Organization	Indigent Defense Improvement Division, Office of the State Public Defender
	The Office of the State Public Defender is a state agency with internal business services, IT and human resources divisions.

Breakdown of Scores for Other Entity Application

Organization	Project impact and strategies	Qualifications	Administration	Project evaluation	Total score	Funding recommendation
Indigent Defense Improvement Division, Office of the State Public Defender	21	21	9	11	62	\$ 254,850
Total						\$ 254,850

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