



The Judicial Council and Supported Decision-Making

Presented by Melanie Snider

October 29, 2025

The Judicial Council makes policy

Serving California Courts



[Chief Justice Patricia Guerrero](#) →

Chief Justice Guerrero is the 29th Chief Justice of California, making history as the first Latina to serve in the position.

Center for Families, Children & the Courts

- Among other duties, CFCC is dedicated to improving the quality of justice and services to meet the diverse behavioral health needs of adult, children, youth, and families using the California civil courts.
- This is accomplished through 3 Behavioral Health Programs: Adult Civil Mental Health, Conservatorship, and Children, Youth and Families Behavioral Health.

Adult Civil Mental Health

JUDICIAL BRANCH OF CALIFORNIA

Supreme Court Courts of Appeal Superior Courts Judicial Council

CALIFORNIA COURTS
SELF-HELP GUIDE


Type of Case ▾ Court Information ▾ Español E.g. divorce, name change

CARE ACT

Helping a person with a severe mental illness

This guide has information about

- The CARE Act
- Other options to help someone with a severe mental illness
- Help at Self-Help Centers with CARE Act forms



CARE Act Eligibility Criteria

Watch later Share

CARE (Community Assistance, Recovery and Empowerment) Act

Watch on YouTube

Explore options to help someone with a severe mental illness >

Although this guide is about the CARE Act, you should only use the CARE Act process if there are no other options that would limit the person less than the CARE Act and still meet their needs.

The CARE Act >

Get information about what the CARE Act is, what is required, and how to start the CARE process.

Visit a Self-Help Center >

Each court has a Self-Help Center where you can get free legal help with court forms and answers to legal questions about CARE Act proceedings. The Self-Help Centers can help you with filling out CARE Act forms.

Least Restrictive Alternatives

- Probate Code section 1800.3 requires Least Restrictive Alternatives in conservatorships:
- (b) A conservatorship of the person or of the estate shall not be granted by the court unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee.

Least Restrictive Alternatives on the Self-Help Guide

Explore options to help someone with a severe mental illness 

Although this guide is about the CARE Act, you should only use the CARE Act process if there are no other options that would limit the person less than the CARE Act and still meet their needs.

Supported Decisionmaking in the Law

- Probate Code Section 21001(c):
“Supported decisionmaking” means an individualized process of supporting and accommodating an adult with a disability to enable them to make life decisions without impeding the self-determination of the adult.

Supported Decisionmaking Described in Plain Language on the Self-Help Guide

Options to help someone with a severe mental illness

There are many options to help someone with a severe mental illness. If you are considering the CARE Act process, you must show that other options with less restrictions, like the ones listed below, do not work for the person's situation before you will be able to begin the CARE Act process.

Commercial Health Insurance

Check to see if the person has commercial health insurance. If so, contact the health plan or insurer and ask about support and services that are available through the person's plan.

County Behavioral Health Agency

County behavioral health agencies offer many services, from counseling or therapists, to full service partnerships, rehabilitative mental health services, intensive case management, crisis services, residential care, substance use disorder treatment, and supportive housing. County behavioral health agencies provide services to Medi-Cal beneficiaries who qualify for specialty mental health services. County behavioral health agencies may also provide services to other populations, depending on local funding and eligibility criteria, without a Medi-Cal requirement.

Full-service partnerships

A full-service partnership is designed for a person with a severe mental illness who needs an intensive service program. Full-service partnerships are collaborative arrangements between the county and the person, and when appropriate the person's family, through which the county provides the full spectrum of community services. A full-service partnership is for a person who is homeless, involved with the justice system, or uses crisis psychiatric services.

Assertive Community Treatment

Assertive community treatment is a form of mental health care provided in a community setting to help a person become independent and integrate into the community as they recover.

Advance Health Care Directive or Psychiatric Advance Directive

Find out if the person has an advance health care directive or psychiatric advance directive, allowing someone else to make healthcare decisions for them when they cannot.

Supported Decision Making

Supported decision making is an individualized process of supporting and accommodating an adult with a disability so that they can make life decisions on their own. The person with a severe mental illness chooses the people who support them, including family, friends, staff, and professionals. The

Supported Decision Making

Supported decision making is an individualized process of supporting and accommodating an adult with a disability so that they can make life decisions on their own. The person with a severe mental illness chooses the people who support them, including family, friends, staff, and professionals. The supporters help the person understand, consider, and communicate decisions. Supporters also give the person the ability to make their own informed decisions.

More under Options to Help Someone with Severe Mental Illness in the SHG

Options to help someone with an impairment or disability

There are many options for assistance, both through the courts and other community services. If you're considering options through the courts, like a conservatorship, you must show that less restrictive options, like the ones listed below, would not work for your situation. Court options, however, have additional oversight and accountability, so if those are necessary to protect the individual, they may be more appropriate.

Options to help

There are many ways that a person, or others who love and support the person, can get the help they need. These are some common examples.

Supported decision making (SDM)

Supported decision-making is a process that allows people with disabilities or impairments to receive support from trusted people but maintains the ability to make their own decisions. The person with a disability chooses the people who support them, including family, friends, staff, or professionals.

The supporters agree to help the person with a disability understand, consider, and communicate decisions. Supporters also give the person the ability to make their own informed decisions. Supported decision-making does not involve the courts.

You can get additional information on SDM from:

- [The Arc of California](#)
- [FAQs created by the ACLU](#)

Power of Attorney

Advanced healthcare directive (AHCD)

Representative payee (for social security or SSI)

Special Needs Trust or CalABLE Account

Guardian ad litem (GAL)

Compare the options

This chart outlines the differences between these alternatives and limited and general conservatorships.

Differences in options and conservatorships

Option	Area of Assistance	Description	Oversight
Supported Decision-Making	All	Person retains decision-making power with the assistance of trusted individuals	No automatic oversight
Power of Attorney	Legal, financial	Person retains decision-making power with the assistance of trusted individuals	No automatic oversight
Advanced Health Care Directive	Health (including mental health)	Plan memorializing person's health care desires or designating an alternate decisionmaker	No automatic oversight
Representative Payee	Financial	Person or organization to handle individual's benefits, pay bills for them	Limited oversight
Special Needs Trust or CalABLE account	Financial	Placement of funds into a specialized account that can be used to purchase qualified goods and services	Limited oversight
Guardian ad litem	Legal	Person who manages a noncriminal court case for a person who is not able to do that for themselves	Automatic oversight
Limited conservatorship	Varies	A conservator makes decisions in specific areas where conservatee with a developmental disability is unable	Automatic oversight
General conservatorship	All	A conservator makes decisions generally, including medical, financial, etc., as outlined in the conservatorship papers	Automatic oversight

Supported Decisionmaking Agreement Resources

- The ARC: thearcca.org/info-resources/supported-decision-making/

The screenshot displays the website for The Arc California, specifically the page for Supported Decision Making (SDM) bootcamp resources. The page features a navigation menu with links for 'Who We Are', 'What We Do', 'Advocacy', 'Info/Resources', 'News Room', 'Donate/Sponsor', 'Join', and 'Events'. Below the navigation, there are social media icons for Facebook, Instagram, and YouTube, along with a search bar and a 'DONATE' button. The main content area is titled 'SUPPORTED DECISION MAKING' and includes a section for 'SUPPORTED DECISION-MAKING (SDM) BOOTCAMP: Training Videos and Materials'. This section is sponsored by 'The WITH Foundation' and presented by 'Burton Blatt Institute', 'The Arc @School', and 'KPS'. A 'QUICK LINKS' section on the right side of the page lists various resources such as 'FASD Prevention', 'Medi-Cal Espanol', 'Medi-Cal', 'Sexual Assault and Services', 'Social Recreation & Camp', 'Healthcare', 'Future Planning', 'Wings for Autism', 'Supported Decision Making', 'Special Needs Trust and CaABLE', 'Legal & Criminal Justice Regional', 'Regional Centers', 'Civil Rights', 'Sex and Sexuality', 'Education', 'Conservatorship', 'Self-Determination', 'Housing', 'SSDI/SSI', 'Employment', 'Transition Age', and 'Early Start'. At the bottom, there are two tabs for 'ENGLISH' and 'ESPAÑOL', with the English tab selected. The English tab shows a video titled 'Introduction to Supported Deci...' and the Spanish tab shows a video titled 'Toma de Decisiones Respalda...'. The page footer includes the text 'SUPPORTED DECISION-MAKING we are an alternative to conservatorship' and 'Toma de Decisiones Respaldata ALTERNATIVAS A LA TUTELA'.

Another Resource: ACLU FAQs

- https://www.aclu.org/sites/default/files/field_document/faq_about_supported_decision_making.pdf

Supported Decision-Making: Frequently Asked Questions

➤ What is supported decision-making?

Supported decision making (SDM) is a tool that allows people with disabilities to retain their decision-making capacity by choosing supporters to help them make choices. A person using SDM selects trusted advisors, such as friends, family members, or professionals, to serve as supporters. The supporters agree to help the person with a disability understand, consider, and communicate decisions, giving the person with a disability the tools to make her own, informed, decisions.

➤ What does supported decision-making actually look like?

SDM will look different for everyone.

It means finding tools and supports to help a person with a disability understand, make, and communicate her own choices. Examples of these tools might be:

- plain language materials or information in visual or audio form
- extra time to discuss choices
- creating lists of pros and cons
- role-playing activities to help the person understand choices
- bringing a supporter into important appointments to take notes and help the person remember and discuss her options
- opening a joint bank account to manage financial decisions together

Once Supported Decision-Making is formally recognized (as it is already in Texas), then a person with a disability will be able to sign a formal document with his supporters in which they all agree to undertake SDM. This document would help doctors, bankers, lawyers, and other third parties to feel confident in accepting the decision of the person with a disability without fearing lawsuits or malpractice claims.

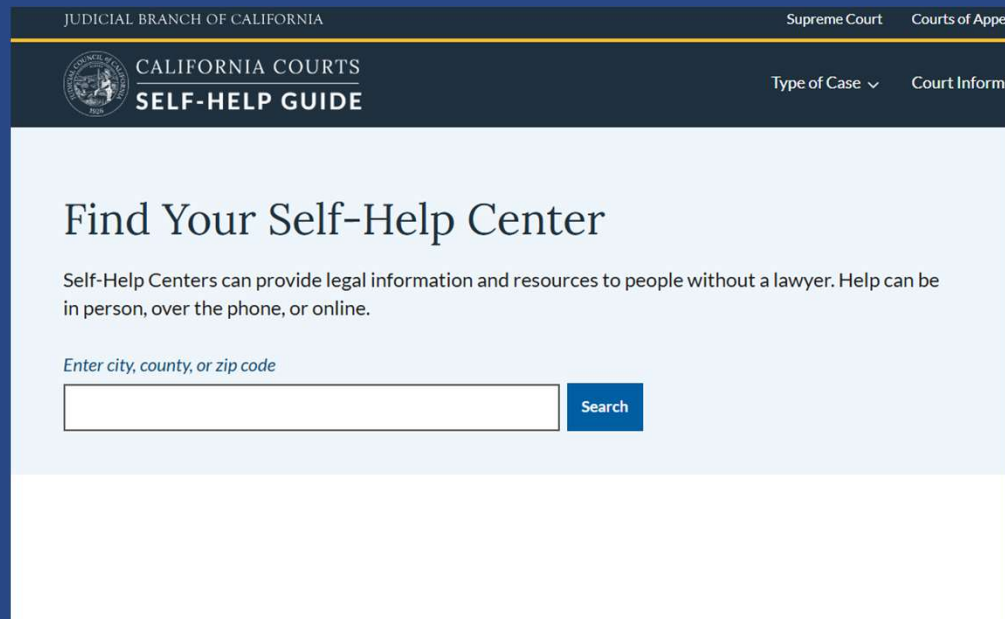
➤ How is SDM different from a durable power of attorney?

A durable power of attorney identifies the person who will be the substitute decision-maker if a person becomes incapacitated. It is a complex document that may require a high level of understanding to execute validly.

An SDM agreement identifies the people who will support the person in making her own decisions. It goes into effect right now. It is not a contract, but an authorization, and is much easier to understand

Getting Help-CA Court Self-Help Centers

- Every County has at least 1 SHC



JUDICIAL BRANCH OF CALIFORNIA Supreme Court Courts of Appeal

CALIFORNIA COURTS
SELF-HELP GUIDE Type of Case Court Informa

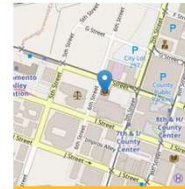
Find Your Self-Help Center

Self-Help Centers can provide legal information and resources to people without a lawyer. Help can be in person, over the phone, or online.

Enter city, county, or zip code

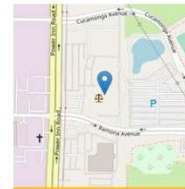
Entering 95833 (Natomas ZIP)

Sacramento County
Hall of Justice
813 6th Street
Sacramento, CA 95814
(916) 874-5522
[Sacramento County Self Help Website](#) 
Hours:
Self Help
<https://www.saccourt.ca.gov/civil/self-help-services/self-help-services.aspx>



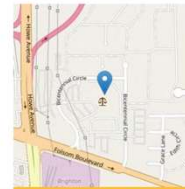
Get Directions

Sacramento County
William R. Ridgeway Family Relations Courthouse
3341 Power Inn Road
Sacramento, CA 95826
(916) 875-3400
[Sacramento County Self Help Website](#) 
Hours:
Self Help
<https://www.saccourt.ca.gov/family/self-help-center.aspx>



Get Directions

Sacramento County
Carol Miller Justice Center
301 Bicentennial Circle
Sacramento, CA 95826
[Sacramento County Self Help Website](#) 
Hours:
Self Help
<https://www.saccourt.ca.gov/indexes/self-help.aspx>



Get Directions

Questions?

- Contact info:

Melanie Snider

Q melanie.snider@jud.ca.gov