

## Communicating with CARE Court Clients

Many people who have received a diagnosis targeted by the CARE Court process (schizophrenia spectrum disorder, another psychotic disorder, or bipolar I disorder with psychotic features) have been ignored, disbelieved, or disrespected in medical, legal, and community settings. As counsel to a CARE Court respondent, your job is to treat your client with dignity and to provide effective communication so that your client can fully participate in decisions about their case.

You do not need to have mental health expertise or training to effectively communicate with clients with a CARE Court diagnosis. Below are some simple tips to support effective and competent representation.

### Be Human

Your client is more than their symptoms, diagnoses, or case. Remember to be human and to approach your client as another human being. Be patient, listen, and do not interrupt unless necessary. Have water and snacks available.

Here is a sample approach to meeting a new CARE Court client:

- *“Hello, my name is [NAME]. I am your lawyer for something called CARE Court. I am here to listen to what matters most to you. How is your day going so far? Did you have a chance to eat?”*

### Use Plain Language

Plain language means using words and phrases at about a fifth grade reading level. Plain language avoids complex, abstract, and idiomatic language, and gives information one piece at a time. You can use a low-cost app like Hemingway to help you talk and write in plain language.

Make a plan ahead of time for what you need to communicate to your client when you meet. Topics may include what is CARE Court, why your client is in CARE Court, who you are and the role of a lawyer, your client’s rights, what are the next steps, and what are the choices along the way. Break down complicated issues into small pieces. Consider using a drawing or visual aid to explain the steps in the CARE Court process.

## Build Trust

Your CARE Court client has likely had negative experiences interacting with the mental health and legal systems. These systems often seek to make decisions for people with serious mental illnesses instead of supporting people to make their own choices. The CARE Court process is the latest example of this. CARE Court respondents who refuse to participate in a CARE Court agreement or CARE Plan may be at higher risk of involuntary treatment through mental health conservatorship.

As a result of these negative experiences, and in some cases combined with disability symptoms, CARE Court respondents may lack trust when meeting with their lawyer. You can build trust by using plain language, offering choices, and expressing empathy.

Identify and explain to your client the decision-making points in the CARE Court process. These include whether to consider a CARE agreement, which services and supports to put in the agreement, and whether to sign the agreement. Let your client know that, as their lawyer, it is your job to do your best to implement their choices and preferences.

Here are sample approaches to offering choices:

- *“I am your lawyer. That means you get to have a say and your choices matter to me. Here are two options you have [describe using plain language] Would you prefer [X] or [Y]?”*
- *“In your situation what I would do is [X], how does that feel to you?”*

You can also build trust by acknowledging that the mental health system has failed your client. You can express empathy and sadness for their past experiences, which may have been traumatic.

## Be Empathetic, Concrete, and Nonjudgmental

Like most clients, clients with CARE Court diagnoses may experience mental health symptoms during your representation. Clients may experience mood swings – depression on one end and a high or manic mood on the other end. They may move, think, and speak slowly, perhaps due to medication side effects. They may experience symptoms of psychosis. Psychosis can include false beliefs, hallucinations, and disorganized thoughts and behavior. Clients are individuals – a client may have none of these symptoms or another symptom.

A CARE Court client who is experiencing symptoms might take a long time to process your words or to organize their thoughts. They might talk rapidly or switch topics quickly. They might say something that does not seem related to what you said.

As a lawyer for CARE Court respondents, your job is to be empathetic, concrete, and nonjudgmental about your client's experiences. You do not have to affirm everything your client says but you should listen to and empathize with what your client feels. Save factual corrections and clarifications for topics related to the representation. Stay present and keep your focus on the interaction and your goals for the meeting.

Here are sample approaches to CARE Court clients who may be experiencing symptoms:

- Client is talking or moving quickly: *"I see you have a lot of energy today. Would it help if we walk while we talk?"*
- Client takes a long time to respond to a question: Stay present, sit with patience, wait. If there is no answer after about a seven-second wait, try: *"Would it help me to ask the question again using different words?"* Offer an example of a possible answer: *"I can think of one answer to my question [describe using plain language]. Does that feel the right answer for you?"* Offer another option: *"Another answer could be [describe using plain language]."*
- Client describes events or expresses thoughts that seem chaotic, unlikely, or paranoid: Avoid a reaction such as, "I don't think that happened." Instead, offer validation and support: *"That sounds like it was very stressful for you, thanks for sharing with me. I'm so sorry you went through that."* After a pause, try to redirect: *"Today I want to hear a bit more about [the topic you need more information on], could I ask you a little more about that?"*
- Client expresses a belief that is contrary to the goals of the representation ("This CARE Court thing is a big fraud, that judge isn't even a judge, I think he's really a cop. He wants to get me in cuffs. I'm too smart to show up for a cop."): Express support for what you can support and correct what you need to correct: *"Sometimes CARE Court seems like cops, but it's different. The judge doesn't have handcuffs, but he does have a bailiff who has handcuffs. The bailiff is like a security guard who makes sure people follow the rules. Last time we met we talked about trying to get Haven House into your CARE Court agreement. I think it would help me get you Haven House if you could come to the hearing. But you would need to follow the rules while you're there."*
- Client is unable to process and answer your questions even with plain language, patience, support, and redirection: *"It's okay if today is not a good time to talk. I can come back. Here is my card so you know how to get a hold of me."*

## Practice Effective and Reflective Listening

Use a low, calm voice and take care not to raise the volume of your voice. Keep the 25:75 rule in mind: the client should be the one talking for about 75 percent of the time.

Try not to interrupt unless you have to interrupt to redirect and other strategies have not worked. When you redirect, try to build on what your client has said already. Instead of, *“Just tell me what happened from the beginning,”* try, *“So you were at home when the police came, is that what you’re saying?”*

Practice reflective listening. This means that you actively listen and then repeat back what your client said to confirm that you understand. You can also ask your client to repeat back to you the information you shared to confirm that they understand. Reflective listening can build trust because it shows your client that you are listening carefully. It also helps you get accurate information about your client’s needs and preferences. Examples:

- *“I want to make sure I heard you correctly. I am going to repeat what I understood you said, and you can tell me if I missed something or got it wrong.”*
- *“We just talked about what will happen tomorrow when we meet with the judge about your CARE plan. We talked about how you will tell the judge about the side effects you had when you took Depakote [a psychiatric medication]. Can you tell me in your own words what our plan is for tomorrow? I want to make sure I explained it clearly.”*

## Offer Breaks and Rescheduling

Offer your CARE Court client breaks during meetings. Regular breaks can help clients with CARE Court diagnoses absorb information, think through answers to questions, and avoid feeling overwhelmed.

If your client seems to be struggling to engage during a meeting, you can pause the interaction and offer a break. If the person is unable to participate after a few attempts, you can offer to reschedule.

## Keep a Written Record and Offer Written Summaries

It is good practice to take notes while your CARE Court client is speaking with you. This communicates to your client that you are carefully listening. Taking notes gives you an accurate record of your meetings and what you and your client have agreed to. Notes help you repeat back what your client has said so that you can confirm you understand.

Offer your client a written summary of the meeting in plain language. The summary should include any agreements, decisions, new information, or upcoming events like a meeting or hearing.

## **Offer Help**

If you are having trouble communicating with a client or the conversation seems to be getting off track, you can ask, “*What do you need from me?*” or “*What can I do to help you?*”

## **Consistency**

Try your best to ensure you are your client’s consistent point of contact. Many people with CARE Court diagnoses have had to interact with numerous care providers (social workers, case workers, therapists, doctors, etc.) who change over time. This can be overwhelming. It is difficult to have trust when you have to interact with so many different people.

Also try to only promise what you can do and then follow through. If you say you will call, then call. If you say you will stop by, then stop by. If you are not sure if you can do something, then say that: “*I’m going to try to call you tomorrow morning, but I’m not sure if I can. It depends on how long the judge keeps me for another case I have.*”

## **Third Party Supporter**

Some people with CARE Court diagnoses may want to have a third-party supporter present. A supporter can be a family member or case worker. You should ask your client if they have a supporter that they want to include.

- When including a supporter in meetings, take care that you are maintaining your client’s confidentiality. In general, if the supporter’s participation furthers your client’s interest, or is reasonably necessary for effective communication, the attorney-client privilege applies.<sup>1</sup>

Other CARE Court respondents will not want a third-party supporter. Ask your client what they want and do not assume you know best.

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<sup>1</sup> See Cal. Evid. Code §§ 952, 954; [Comment \[3\]](#) to ABA Model Rule 1.14; *People v. Carasi*, 44 Cal. 4th 1263, 1303 (2008).

## LEAP

A helpful acronym for working with CARE Court clients is LEAP:

**L** – Listen

- Practice active and reflective listening and keep notes.

**E** – Empathize

- Be human. Acknowledge your client's feelings and experiences.

**A** – Agree

- Find common ground. Offer choices to find a direction you can agree to.

**P** – Partner

- Work together on achieving agreed-upon goals.

## People are People

People who have received a CARE Court diagnosis are just people, and people are individuals with individualized needs. What works for one person will not necessarily work for another. For example, one CARE Court client may need drawings and visual aids, but this approach may be ineffective for another client. Ask your client what they need and what helps them with communication.

## Additional Resources

California Rules of Professional Conduct, Rules 1.1 (lawyer competence), 1.2 (client makes decisions about goals), 1.4 (lawyer must communicate with client), 1.6 (attorney-client privilege).

DREDF [webinar](#)<sup>2</sup> and [slide deck](#).<sup>3</sup>

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<sup>2</sup> <https://dredf.org/practical-guidance-and-ethics-in-representing-disabled-clients-including-clients-with-diminished-capacity/>

<sup>3</sup> <https://dredf.org/wp-content/uploads/2024/11/Practical-Guidance-and-Ethics-in-Representing-Disabled-Clients-Including-Clients-with-Diminished-Capacity-2024.02.01-Access-Pass-1.pdf>