

## **ComCare Behavioral Health Trust**

From 1990 to 1997, ComCare, Inc, (ComCare) a non-profit corporation, operated as the Maricopa County RBHA pursuant to contract with ADHS. In early 1997, ADHS notified ComCare that it was in breach of its contract. ComCare disagreed with ADHS and when the parties were unable to resolve their differences, the Governor issued an executive order pursuant to A.R.S. § 36-3412(E) declaring that an emergency existed in the behavioral health system. Thereafter, both ComCare and ADHS filed lawsuits. On September 5, 1997, after extensive court proceedings, ComCare and ADHS agreed to settle the litigation. Under the terms of the settlement, the lawsuits were dismissed. ADHS assumed the direct operation of ComCare pursuant to A.R.S. § 36-412(D) with the ADHS Director as the sole member of the corporation. The ComCare board of directors resigned and the ADHS Director, Deputy Director and consultant became the new board of directors.

In July of 1999, the ComCare Board of Directors established a charitable trust known as the ComCare Liquidation Proceeds Trust or ComCare Behavioral Health Trust (Trust). The purpose of the Trust is to distribute ComCare's remaining assets to the Trust beneficiaries who are Maricopa County residents entitled to treatment for mental illness under applicable Arizona law. Under the terms of the Trust, the ADHS Deputy Director is appointed as the Policy Trustee and the Maricopa County RBHA, or its designee, serves as the Administrative Trustee. The Policy Trustee determines how the Trust property is distributed and directs the Administrative Trustee, who shall qualify with the Internal Revenue Services as a 501(c) (3) organization, to perform administrative tasks in order to manage and distribute the property in accordance with the instructions of the Policy Trustee and the terms of the Trust. The Administrative Trustee is compensated from the Trust property for the fair market value of its services under a separate agreement.

Funds from this Trust have been utilized to provide housing and other behavioral health services to persons who have been determined to have a serious mental illness.