RESTATEMENT OF TRANSITIONAL HOUSING MISCONDUCT ACT

(Civil Code section 1954.10 et seq.)

YOU HAVE RIGHTS AND RESPONSIBILITIES UNDER THE LAW

When you sign your housing contract, you agree to follow the program's rules. If you break those rules, the program operator can ask a court to order you to obey the rules or to move out of the program housing in some cases.

The program operator can get these orders if you abuse certain other people or engage in program misconduct. Abuse is attacking, striking, battering, or sexually assaulting another participant, a program employee, or an immediate neighbor of the program site, or threatening or attempting to do so. Program misconduct is intentional behavior that substantially interferes with the running of the program and involves drunkenness, unlawful use or sale of drugs, theft, arson, destruction of property, violence or threats of violence, or harassment.

The program operator must follow the procedures outlined below to get a court order.

TEMPORARY RESTRAINING ORDERS

A program operator can get orders that go into effect immediately without a court hearing. These temporary orders can forbid you from breaking the program rules or doing certain things.

The program operator must tell you or your attorney (if you have one) before asking the court for these orders, unless he or she has a good reason for not notifying you. The program operator cannot get a temporary order to make you move from housing unless he or she convinces the judge that you will cause serious bodily injury to another participant, a program employee, or an immediate neighbor of the program site before a full hearing can be held.

If you have lived in program housing for at least six months since signing your contract, the program operator cannot get a temporary restraining order against you unless another order is already in effect or an action is pending against you. He or she can still get a "permanent" order for up to one year.

"PERMANENT" ORDERS (Orders After a Hearing)

The program operator can get orders lasting up to one year that forbid you from breaking the program rules or engaging in abuse. These orders are sometimes called "permanent" orders because they last longer than the temporary orders.

Before the program operator can get a permanent order, there must be a full hearing before a judge. At this hearing, both you and the program operator can be represented by attorneys and present evidence and testimony. If you do not attend the hearing, the court may make orders against you that last up to one year.

At least two days before the hearing, someone must give you a copy of the request for the orders, a notice of the hearing (called an "Order to Show Cause"), the instructions and legal forms you need to fight the orders, and any materials the program operator will use at the hearing to get the orders.

If the program operator proves you engaged in abuse or program misconduct, the court can order you to stop the behavior. If the program operator proves abuse by clear and convincing evidence and shows that you might do it again, the court can order you to move out of or stay away from program housing, or both.

YOU CAN FIGHT THE ORDERS

Read the papers you receive very carefully, especially the description of what the program operator said happened. If you disagree with the facts or you think it would be unfair for the court to grant orders against you, GO TO THE HEARING and tell the judge your side of the story. You can also fight the program operator's request for orders by filing a response telling your side of the story. You do not have to pay to file a response. Forms and instructions for filing a response are available from the county clerk's office. You also should receive these forms with the notice of the hearing.

The name, address, and phone number of the legal services office in your county must be on the notice of hearing. You may be able to get free legal advice from that office.

If you need more time to find an attorney or to prepare a response, you must ask the judge for a continuance (extension) on or before the hearing date shown on the notice of the hearing.

DISOBEYING THE ORDERS MAY MEAN YOU HAVE TO MOVE OUT

If you are found in contempt of court for disobeying the court's orders, the court can change the orders to force you to move out of the program housing.

I have read this restatement of the law. I understand it becomes part of my housing contract.

▶ _____ _____

SIGNATURE OF PARTICIPANT DATE

▶ _____ _____

SIGNATURE OF PROGRAM OPERATOR DATE

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form