

INSTRUCTIONS FOR PROGRAM OPERATORS LAWSUITS TO PROHIBIT ABUSE OR PROGRAM MISCONDUCT (Transitional Housing Misconduct Act)

(Civil Code section 1954.10 et seq.)

Read the "General Instructions" first. Then read the *special instructions* for program operators on page three.

GENERAL INSTRUCTIONS

WHO CAN GET ORDERS PROHIBITING ABUSE OR MISCONDUCT?

Individuals or organizations that run a transitional housing program can ask the court for these orders. The Transitional Housing Misconduct Act applies only if the housing program

- (1) is run by a government agency, a private nonprofit corporation that receives program funds from a government agency, or an operator hired by one of the above to run the program;
- (2) helps homeless persons obtain the skills necessary for independent living in permanent housing;
- (3) includes regular individualized case management services;
- (4) provides a structured living environment and requires compliance with program rules; **and**
- (5) restricts the occupancy period to not less than 30 days but not more than 24 months.

Only the program operator can ask the court for orders against a participant. A program participant cannot ask the court for orders against a fellow participant, nor can program employees or neighbors of the program site ask for orders. The program operator can, however, petition on their behalf.

TO WHOM DO THESE ORDERS APPLY?

A program operator can ask the court for orders against a homeless person who is now a participant in the housing program. Someone is a homeless person if, before coming to the housing program, he or she lacked a regular and adequate nighttime residence **or** the most recent nighttime residence was

- (1) a supervised shelter designed to provide temporary housing; or
- (2) an institution that provides temporary housing for individuals intended to be institutionalized; or
- (3) a place not designed or ordinarily used as sleeping accommodations for humans.

Someone is a participant in a housing program if he or she signed a contract with the program as a condition to getting housing. The program operator can get orders only against a participant who has signed a contract that includes

- (1) the housing program's rules;
- (2) a statement of the program operator's right of control and access over the unit occupied by the participant; **and**
- (3) a restatement of the procedures and rights created by the Transitional Housing Misconduct Act.

The program operator can ask for orders against the participant and anyone living with the participant at the program site. The operator must prove program misconduct or abuse, however, for each individual against whom orders are granted. Restraining orders issued under this act apply only to the persons named in the order. That means that if the court orders only one member of a family to move out of program housing, the rest of the family members may remain in the program (unless they are all minors).

(Continued on reverse)

Page 1 of 8

WHEN CAN THE COURT MAKE ORDERS PROHIBITING ABUSE OR MISCONDUCT?

Program operators can ask the court for orders if the participant has engaged in program misconduct or abuse. The participant's conduct is program misconduct if

- (1) the participant intentionally broke the program rules;
- (2) the participant's conduct substantially interferes with the program operator's ability to run the housing program; **and**
- (3) the conduct relates to
 - (a) drunkenness, sale or use of drugs, theft, arson, or destruction of another person's property; or
 - (b) violence or threats of violence directed at, and harassment of, immediate neighbors of the program site, program employees, or other participants.

The participant's conduct is abuse if

- (1) the participant did or attempted to attack, strike, batter, or sexually assault other participants, program employees, or immediate neighbors of the program site; or
- (2) the participant threatened to attack, strike, batter, or sexually assault the above individuals.

WHAT KINDS OF ORDERS ARE AVAILABLE TO PREVENT ABUSE OR MISCONDUCT?

A program operator can request a Temporary Restraining Order or a "permanent" order (Order After Hearing), or both. These both are court orders forbidding someone from engaging in the activity described in the order. A Temporary Restraining Order is issued by a judge after a request for a permanent order has been filed, but before there has been a full hearing. Permanent orders can be issued only after a full hearing before a judge, where both the participant and the program operator can be represented by attorneys and have the opportunity to present evidence.

TEMPORARY RESTRAINING ORDERS ("TRO") BEFORE THE HEARING

A TRO orders the participant to stop the abuse or misconduct and goes into effect immediately. The order lasts a maximum of five days. The court may not be able to grant a hearing within five days, in which case the order will last until the hearing. To get a TRO the program operator must prove that the participant has engaged in program misconduct or abuse and that great or irreparable harm will result before the hearing if the TRO is not granted.

In limited circumstances, the judge can use a TRO to order the participant to move out. The judge will do this only if it is necessary to protect another participant, a program employee, or an individual who lives within 100 feet of the program site from imminent serious bodily injury. To get a TRO excluding the participant from program housing, the program operator must provide clear and convincing evidence that the participant engaged in abuse and that great or irreparable injury will result before the hearing if the participant is not ordered to move out or stay away from the housing program, or both.

If the participant has been living in program housing under contract for six months or longer, the program operator cannot get a TRO unless an action is pending against the participant or a TRO is already in effect and is subject to further orders. The program operator may still use unlawful detainer procedures or file for a permanent order only.

You must give notice to the participant before asking for a TRO. Notice requires you to show the judge that

- (1) before applying for the TRO you told the participant or the participant's attorney when and where the application would be made; or
- (2) you made a good-faith effort to tell the participant or the participant's attorney; or
- (3) you should not have to give notice because great harm would result to a program operator, participant, or immediate neighbor of the program site before the hearing.

ORDER AFTER HEARING ("PERMANENT" ORDERS)

Temporary restraining orders last a maximum of five days or until the hearing. When the judge issues the TRO, he or she will set a date for the hearing on the permanent order (also called the Order After Hearing or "injunction"). A "per-manent" order issued after a hearing lasts up to one year.

The program operator seeking the order must have the following papers delivered (served) to the participant at least two days before the hearing

- (1) a copy of the Order to Show Cause (Transitional Housing Misconduct);
- (2) a copy of the Temporary Restraining Orders (if any);
- (3) a copy of the Petition for Order Prohibiting Abuse or Program Misconduct;
- (4) a blank Participant's Response (Transitional Housing Misconduct);
- (5) two copies of a blank Attached Declaration (form MC-031);

(Continued on reverse)

Order After Hearing *continued*

- (6) a blank Proof of Personal Service (Transitional Housing Misconduct);
- (7) a copy of these instructions; **and**
- (8) copies of all materials (affidavits and supporting memoranda) to be used in the hearing.

The Order to Show Cause must contain the name and phone number of the Legal Services Office in the county where the petition was filed, and must inform the participant this office may be called for legal advice about responding to the request for court orders.

In limited circumstances the court will make a permanent order for the participant to move out of or keep away from the program site. To get this type of order, the program operator must provide clear and convincing evidence that the participant engaged in abuse and that great or irreparable injury will result if the order is not granted.

WHAT IS NEEDED TO GET THE COURT ORDERS OR TO OBJECT TO THEM?

1. Transitional Housing Misconduct forms, available from the superior court clerk's office or from legal publishers. The court clerk can tell you where to get the forms.
2. A typewriter with which to fill out the forms. The forms should be typed. Some volunteer legal service groups have typewriters you can use, and some libraries offer the use of typewriters for a small fee. If you cannot type, print clearly.
3. Money for a court filing fee, unless the court excuses you from paying. If you cannot afford to pay the court filing fee, ask the clerk for the Information Sheet on Waiver of Court Fees and Costs. If you are a participant objecting to the court orders, you do not have to pay to file your response.
4. Someone 18 years of age or older to deliver (serve) certain papers to the other party. This person must be someone other than yourself, and not an employee of the program.

WHAT FORMS ARE AVAILABLE FOR OBTAINING OR OPPOSING AN ORDER?

1. **Petition for Order Prohibiting Abuse or Program Misconduct ["Petition"]**. This four-page form tells the judge the facts of the program operator's case and what orders the program operator wants the judge to make.
2. **Order to Show Cause and Temporary Restraining Order ["OSC/TRO"]**. The judge signs this order to tell the participant to come to court for the court hearing. It may contain court orders that take effect immediately and stay in effect for up to five days or until the hearing.
3. **Participant's Response ["Response"]**. The participant may file this form to object to the orders the program operator asked the court to make, and to give his or her side of the story.
4. **Order After Hearing ["Order"]**. This is the permanent order or injunction. This form is signed by the court following the hearing. It will expire in one year or less unless the court terminates, modifies, or extends it.
5. **Proof of Personal Service**. This form shows that a participant or program operator has been served with legal papers as required by law.

INSTRUCTIONS FOR THE PROGRAM OPERATOR**STEPS TO TAKE TO GET A COURT ORDER**

1. **Complete the forms.** Fill in the Petition and the OSC/TRO except for the date of the court hearing and the judge's signature. (Remember, most courts require that all forms be typewritten.)
 - a. If you are not represented by an attorney, fill in the name of the person signing the petition, the program name, mailing address, and phone number at the top of each form. If you do not want to disclose your home or work address or phone number, you may use an address or phone number where you will be able to receive any communications.
 - b. Fill in the name of the county where the action will be filed and the address of the superior court.
 - c. Type your full name and the participant's full name.
 - d. Mark with an "X" all boxes that apply to your case. Read each item carefully and fill in the necessary information. Be specific.
 - e. You can type any witness statements (called affidavits or declarations) on form MC-031 and attach the form to your Petition.
 - f. Remember to date and sign the Petition.

(Continued on reverse)

Steps to Take to Get a Court Order (continued)

2. **Make copies.** You will need at least five copies of each Transitional Housing Misconduct form: one for a worksheet, the original to file with the court, a copy to be personally delivered (served) to the participant, and two copies for yourself. You will need more than five copies of the OSC/TRO, the Order, and the Proof of Service form. In addition to the five copies above, get one for each law enforcement agency you want to enforce your orders, and two for yourself.
3. **TRO.** If you are requesting a TRO you must give details of the participant's misconduct or abuse, the problems it has caused you, and why you need an order before a full hearing. Place an "X" in the box marked "To be ordered now and to be effective until the hearing" under numbers 8, 9, 10, 11, or 13 on the Petition.
4. **Court clerk.** Take all your completed forms and all copies to the clerk's office in the superior court. The clerk will tell you where to take your papers and when to pay your filing fee, if required.
5. **Court papers.** If the judge signs the OSC/TRO, take the original and all copies back to the court clerk. The clerk will stamp all the papers with a case number. The copies must include an "Endorsed-Filed" stamp (showing the date of filing), the judge's signature, and the date of signing. The clerk will file the originals and give you the copies. **KEEP TWO ENDORSED-FILED COPIES FOR YOURSELF.** Carry one with you and keep one in a safe place. You may need one if you have to call the police.
6. **Personal service.** Have the participant personally served with copies of the Petition and the OSC/TRO, a blank copy of the Response, two blank copies of form MC-031, a blank copy of the Proof of Personal Service, a copy of these instructions, and a copy of all materials (affidavits and supporting memoranda) to be used in the hearing. On the OSC/TRO you must fill in the box on the first page with the name, address, and phone number of the Legal Services Office in the county in which the petition is filed.

You cannot serve the participant yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you or a program employee. The papers must be delivered to the participant personally, and cannot be mailed or left at the participant's dwelling unit.

Service is very important. It tells the participant about the order and the hearing. Without it there will not be a court hearing and your TRO will no longer be good unless it is extended by the court. The participant must be personally served at least two days before the hearing.
7. **Copy to the police.** If you have requested a TRO and the judge has granted them, immediately deliver copies to each law enforcement agency (police, marshal, or sheriff's office) that you want to enforce the order.
8. **After service.** After the participant has been personally served, the person who served the participant must complete and sign the original of the Proof of Personal Service form. Take the signed original and the copies back to the court clerk. The clerk will file the original and stamp "Endorsed-Filed" on the copies. Deliver one Endorsed-Filed copy to each law enforcement agency at which you filed your TRO. Keep two Endorsed-Filed copies for yourself.
9. **Court hearing.** Go to the court hearing with any evidence you have. Any witnesses to the participant's conduct also should come to the hearing. The Order should be filled in and given to the judge for signing.
10. **File the Order.** If the judge signs the Order, file the original with the clerk, get the copies stamped with an "Endorsed-Filed" stamp, and immediately deliver copies to law enforcement agencies.

If the participant was not present in court for the hearing, arrange to have the participant personally served with a copy of the Order. File the completed Proof of Personal Service with the court and deliver copies stamped "Endorsed-Filed" to law enforcement agencies. **KEEP TWO COPIES FOR YOURSELF.** Carry one with you and keep one in a safe place.
11. **Renewal.** An Order will expire within one year, but you can apply for an extension. The law requires you to file for a renewal by filing a new Petition any time within three months before the Order expires. Do not check the modification box on the Petition when you file for renewal.

WHAT TO DO IF THE PARTICIPANT DISOBEYS THE ORDER

1. **Reports.** Report violations of the Order as soon as possible to your local law enforcement agency. Keep a written record of the incidents and obtain copies of police reports concerning them.
2. **Contempt of court.** Violation of a restraining order is punishable by civil contempt of court. You must file a civil contempt action in the same court that issued the restraining order. If the participant is in contempt of court, you can file for a modification of the order (use form TH-100) and ask the court to order the participant to move out of the program housing.

NOTE: See sample filled-in Petition on pages 5–8.

(Continued on reverse)

The next four pages show a Petition that has been completed with examples of the kind of information a court is likely to want.

After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper. This is the place for the "Endorsed--Filed" stamp.

The county clerk will give you this number. Use it on all forms you file later.

If you are not represented by an attorney, fill in your name, mailing address, and phone number at the top of each form.

County where you are filing your case. Contact the county clerk if you do not know the address.

Your full name or the name of the organization requesting the orders.

The full name of the person you want the orders against.

Check this box if you are asking for orders to go into effect immediately when the TRO is signed by the judge. You will also need to check the boxes in 8-14 and give the necessary information.

Put an X in the box that applies in items 2 and 3. You must check one box in each of those items.

Name all the people you want the judge to grant orders against. Only those people named here will be restrained or excluded by the orders.

Name any people here who live with the participant but should not have orders granted against them.

Be sure to attach a copy of the contract that was signed by the participant.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Robert Hoe, Program Director (123) 456-7890 Family First Transitional Housing Program 123 Front St., Suite 230 Big City, California 90135</p> <p>ATTORNEY FOR (Name): In Pro. Per.</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ANY COUNTY</p>	
<p>STREET ADDRESS: 100 Elm Street MAILING ADDRESS: P.O. Box 109 CITY AND ZIP CODE: Anytown, California 91235 BRANCH NAME:</p>	
<p>PROGRAM OPERATOR: Family First Transitional Housing Program</p>	
<p>PARTICIPANT: Danny Doe</p>	<p>CASE NUMBER:</p>
<p>PETITION FOR ORDER PROHIBITING ABUSE OR PROGRAM MISCONDUCT</p> <p><input checked="" type="checkbox"/> Application for Temporary Restraining Order <input type="checkbox"/> Modification of Previous Order (date):</p>	

(THIS IS NOT AN ORDER)

- Read the Instructions for Program Operators before completing this form.
- You must have a copy served on the participant at least two days before the hearing.

1. **Jurisdiction.** This suit is filed in this county because participant resides in this county.
2. **Program Operator (name):** Family First Transitional Housing Program operates a "transitional housing program" as defined in Health and Safety Code section 50582(g).

a. <input type="checkbox"/> Governmental agency (specify):	<input type="checkbox"/> Manager or operator
b. <input checked="" type="checkbox"/> Private nonprofit corporation receiving program funds from a governmental agency. The funding agency is (specify): Department of Housing	<input checked="" type="checkbox"/> Manager or operator
3. **Program site (specify street address, city, ZIP code):**

a. <input checked="" type="checkbox"/> Dwelling unit of participant (address optional): 200 Hill St., Apt. 16 Big City, California 90135	
b. <input type="checkbox"/> Other locations of the program (addresses):	
4. **Participant to "restrained or excluded" is a "homeless person" dwelling at a "program site" as defined in Health and Safety Code section 50582 (name all to be restrained or excluded):**

Name	Age (if under 18)
Danny Doe	
5. **Persons living with participant in participant's dwelling unit who are not to be restrained or excluded (name all below). If none, check this box:**

Name	Family relationship	Age (if under 18)
Margaret Doe	wife	
Denise Doe	daughter	5 years
6. **Participant has signed a contract with the program operator. The contract includes (attach a copy of the signed contract)**
 - a. Program rules and regulations.
 - b. A statement of program operator's right of control over and access to the program unit occupied by participant.
 - c. A summary of the requirements and procedures of Health and Safety Code sections 50580-50591.

(Continued on reverse)

**PETITION FOR ORDER PROHIBITING ABUSE
 OR PROGRAM MISCONDUCT
 (Transitional Housing Misconduct)**

Page 1 of 4
Civil Code, § 1954.13

(Continued on reverse)

Fill this in.

Leave this blank.

(THIS IS NOT AN ORDER)

PROGRAM OPERATOR: Family First Transitional Housing Program	CASE NUMBER:
PARTICIPANT: Danny Doe	

Put an **X** in the boxes that apply to your case. Leave the boxes empty if they do not apply to your case. At least two boxes must be checked in either *a* or *b*. Boxes in both *a* and *b* can apply.

7. Participant to be restrained or excluded (names):

a. (**Program misconduct**) has intentionally violated the program rules and regulations. The violation substantially interferes with the orderly operation of the program AND involves (check at least one and cite the rule number):

- (i) drunkenness on the program site (rule no.): 4(a)
- (ii) unlawful use or sale of controlled substances (drugs) (rule no.):
- (iii) theft (rule no.):
- (iv) arson (rule no.):
- (v) destruction of property of the program operator, program employees, other participants, or persons living within 100 feet of the program site (names and relationships to program and rule no.):

(vi) violence or threats of violence and harassment of program employees, other participants, or persons living within 100 feet of the program site (names and relationships to program and rule no.):

Margaret Doe, participant in program. (Rule 7(b).)
 John Roe, night manager in Danny Doe's building and program employee. (Rule 7(a).)

b. (**Abuse**) has intentionally or recklessly

- (1) caused or attempted bodily injury
- (2) caused or attempted sexual assault
- (3) caused fear of serious bodily injury

to program employees, other participants, or persons living within 100 feet of the program site (names and relationships to program): Margaret Doe, participant in the program.

John Roe, night manager in Danny Doe's building and program employee.

Item 7c is the most important part of your petition. This information is all the judge will know about your case until the hearing. Give details of the most recent incidents.

c. **FACTS.** Describe in detail the most recent incidents of program misconduct or abuse. State what happened, the dates and times, and who did what to whom. Describe any injuries or damage. For alleged program misconduct, cite the rules and regulations violated by each incident of misconduct. If more space is needed, attach additional pages and check this box: (You may use form MC-031 (on the reverse of form MC-030) as an attachment or for the declarations (affidavits) of witnesses.)

Participant, his wife, and their five-year-old daughter live in an apartment in a security building where a program employee is always on duty.

On June 22, 1992, participant returned home after the program curfew of 11 p.m. (Rule 10(a).) He staggered in with the smell of alcohol on his breath and clothes and required the assistance of his wife and the night manager to make it to bed. (Rule 4(a).) On June 24, 1992, participant yelled loudly at his wife, disturbing other residents, when she asked him to stop drinking. On June 25, 1992, participant again returned home drunk. (Rule 4(a).) When his wife attempted to help him to their apartment, participant cursed at her, hit her in the face, and tried to push her down the stairs. (Rule 7(b).) When the night manager attempted to intervene, participant cursed at him and told him to mind his own business. (Rule 7(a).)

On June 26, 1992, participant's wife had a cut lip and large bruise near her mouth as a result of participant's actions. (Rule 7(b).) That evening, participant returned home sober, but told the night manager (John Roe) that he (participant) would "get him" if he intervened between participant and his wife again. (Rule 7(a).)

Several residents have complained about the noise made by participant. Participant's drinking interferes with other residents' efforts to refrain from drinking. Residents do not understand why participant is not disciplined for breaking the program rules against drinking and disruptive behavior. (Rule 7(b).) The night manager is afraid to work a shift alone when participant might again return home drunk. (Rule 7(a).)

(Continued on next page)

(Continued on reverse)

Fill this in.

Leave this blank.

(THIS IS NOT AN ORDER)

PROGRAM OPERATOR: Family First Transitional Housing Program	CASE NUMBER:
PARTICIPANT: Danny Doe	

PROGRAM OPERATOR REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

- 8. PROGRAM MISCONDUCT RESTRAINING ORDERS (BREAKING RULES). Participant must not intentionally violate the program rules and regulations so as to interfere substantially with the orderly operation of the program and specifically the rules and regulations on
 - a. drunkenness on the program site (rule no.): 4 (a)
 - b. unlawful use or sale of controlled substances (drugs) (rule no.):
 - c. theft (rule no.):
 - d. arson (rule no.):
 - e. destruction of property (rule no.):
 - f. violence or threats of violence and harassment (rule no.): 7 (a) , 7 (b)
- 9. ABUSE RESTRAINING ORDERS. Participant must not attack, strike, batter, or sexually assault, or threaten to attack, strike, batter, or sexually assault
 - a. program employees
 - b. program participants
 - c. persons living within 100 feet of the program site
 - and specifically the following persons (names):
Margaret Doe, wife of participant.
John Roe, program employee.
- 10. PROGRAM SITE EXCLUSION ORDERS. Participant must immediately move from and must not return to the program site and dwelling unit assigned to participant (address optional):
and may take participant's personal property needed until the hearing.
- 11. STAY-AWAY ORDERS. Participant must stay at least 200 feet away from the following places:
 - a. Dwelling unit assigned to participant (address optional):
 - b. Other program site locations (addresses):
- 12. OTHER ORDERS (specify other orders you request to help carry out the orders requested in items 8-11):
- 13. I request that copies of orders be given to the following law enforcement agencies (specify all with jurisdiction over program sites):

<u>Law Enforcement Agency</u>	<u>Address</u>
Big City Police Department	100 Dale Ave., Big City, CA 90134
Anycounty Sheriff's Dept.	200 Government Hall, Anytown, CA 90135
Faraway Police Department	90 Valley Blvd., Faraway, CA 90147
- 14. PREVIOUS PETITIONS. I have asked for restraining orders against participant before (specify case numbers and dates):

Put an X in the boxes that apply to your case. Leave the boxes empty if they do not apply to your case.

This space is where you ask for other orders you need. If you use this space, be sure to put in facts and dates in item 7c on page two of your petition that would give the court a reason to order what you ask for here.

List all the agencies you may want to enforce your order. The court will either tell the clerk to mail copies of the orders to the agencies or direct you or your attorney (if you have one) to deliver them personally.

(Continued on next page)

(Continued on reverse)

Fill this in.

Leave this blank.

Whenever you check these boxes you are asking for the order to go into effect immediately, as soon as the TRO is signed by the judge. You will also need to give the necessary information in item 15c.

Check this box if you are requesting TROs. Check the boxes for the item numbers in which you requested TROs.

If you are requesting TROs, you must choose one option under both a and b. Check the boxes that apply.

If you are asking for the orders to go into effect immediately, as soon as the judge signs the TRO, you must state the reasons. State what harm would result to you if the orders were not made immediately.

VERY IMPORTANT:
1. The date you sign.
2. Your signature.
DO NOT FORGET THESE OR ALL YOUR WORK WILL BE WASTED.

(THIS IS NOT AN ORDER)

PROGRAM OPERATOR: Family First Transitional Housing Program	CASE NUMBER:
PARTICIPANT: Danny Doe	

REQUEST FOR TEMPORARY RESTRAINING ORDER
To Be Effective From Now Until the Hearing

15. I request that the orders requested in items 8 9 10 11 12 be effective from now until the hearing. (Note: Temporary exclusion orders under items 10-11 require an emergency.)

a. Participant

- (1) has not been under contract with the program for more than six months (date of contract) 5 / 1 / 92
- (2) has been under contract with the program for more than six months, but
 - (i) a restraining order is in effect and subject to further orders (specify in item 14).
 - (ii) an action is pending against participant (specify in item 14).

b. Notice to participant.

- Program operator Operator's attorney (attach attorneys affidavit)
- (1) informed participant or his or her attorney on (date): June 27, 1992 at (time): 10:30 a.m. of the date, time, and place this petition would be filed.
- (2) made the following good-faith efforts to inform participant or his or her attorney of the date, time, and place this petition would be filed (specify efforts):
- (3) should not be required to inform the participant or his or her attorney of the date, time, and place this petition would be filed because (specify reasons):

c.

NEED FOR IMMEDIATE ORDER BEFORE THE HEARING. Program operator, program participants, or persons living within 100 feet of the program site will suffer great and irreparable harm before this petition can be heard in court unless the court makes those orders requested above effective now and until the hearing. (Specify the harm and why it will occur before the hearing. For temporary exclusion orders under items 10-11, show emergency and need to prevent imminent serious bodily injury.)

Participant has threatened the night manager (John Roe), and the manager is afraid to work a shift alone in participant's building. The program has a limited staff, and we cannot replace John until the hearing. Other participants have been disturbed by participant's behavior and we need to be able to restrain him to continue to operate the program in his building. The night manager may need the assistance of the police to protect Margaret Doe from her husband if participant again returns home drunk.

15. Number of pages attached: 3 Contract dated May 1, 1992)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 29, 1992

Robert Hoe

Robert Hoe

(TYPE OR PRINT NAME)

(SIGNATURE OF PROGRAM OPERATOR)

TITLE of person signing: Program Director