



# The Only Person Who Can Evict You from an Adult Home Is a Judge

## CAN I BE EVICTED IF I AM HOSPITALIZED AGAINST MY WILL?

**NO!** Adult home residents cannot be evicted simply because they are hospitalized temporarily, even if the hospitalization is against their wishes.

The owner of the adult home can remove you temporarily without notice or Court papers **ONLY IF**

- You become so sick that you need to be in a hospital
- You become a danger to yourself or to others

***REMEMBER: The only person who can evict you from an adult home is a judge.***

## HOW DO OWNERS OF ADULT HOMES TEMPORARILY REMOVE RESIDENTS?

If the adult home wants to move you because you are sick, they must arrange to transfer you to a hospital or to another suitable treatment facility.

If the adult home thinks that you are a danger to yourself or to others, they usually call the police to get an ambulance to take you to a psychiatric emergency room where a doctor will examine you. If the doctor orders you admitted to the hospital, this is called an emergency involuntary commitment.

## WHAT DO I DO IF I DO NOT WANT TO GO TO THE HOSPITAL?

If the adult home wants to send you to a psychiatric hospital and you do not want to go, the most important thing to do is to **STAY CALM**.

- Take a deep breath and count to 10.
- Suggest, on your own, that you go upstairs to your room so you can calm down.
- Tell the staff: "I was upset before, but now I am calm."

If none of this works, it is still best to remain calm, cool, and collected.

When you get to the hospital, show the doctor(s) that you are calm and in control of yourself and, therefore, not dangerous. If you are hostile, guarded, or angry, the doctor is more likely to have you involuntarily admitted to the hospital.

Try to remember how long the doctor examines you. This may become a very important fact later.

If you think that involuntary hospitalizations are a pattern in your home—that is, that too many residents are being hospitalized against their will—call an **Adult Home Advocacy Project** attorney at **877-417-2427** (toll free) and describe what is happening.

### **WHAT HAPPENS IF I AM ADMITTED INVOLUNTARILY?**

If the doctor determines that you pose a danger to yourself or to others, you will be admitted to the hospital under Emergency Admission. At that point, you have a right to a FREE ATTORNEY to challenge your involuntary admission.

Your FREE ATTORNEY will be provided by Mental Hygiene Legal Service (MHLS). The hospital must give you the phone number of MHLS if you ask for it. Once MHLS is notified, they will visit you and tell you your rights. ALWAYS STAY CALM. At every step of the way you must show the doctor(s) that you are not a danger to yourself or to others.

### **HOW WILL I PAY MY RENT IF I AM IN THE HOSPITAL?**

Your SSI can continue for three calendar months while you are in the hospital if a doctor certifies to Social Security that your stay is not likely to be for more than three months. This should be done as soon as you are admitted.

SSI recipients can also get money from the Office of Temporary and Disability Assistance (OTDA) in certain circumstances. OTDA used to be known as the Department of Social Services (DSS). To find out if you qualify for these funds, call an **Adult Home Advocacy Project** attorney at **877-417-2427** (toll free).

### **AFTER I GET OUT OF THE HOSPITAL, CAN I GO BACK HOME?**

**YES!** You have the right to return to your adult home. Since your removal was temporary, you have not been "discharged" from the home. As long as your doctor states that an adult home is appropriate for you, you can return home when the emergency is over and you have recovered your health.

The adult home cannot treat you as a new applicant and make you go through a "screening" process. You must, however, provide the home with updated medical information.

If the adult home refuses to take you back, IMMEDIATELY CALL the **Department of Health Adult Home Complaint Hotline** at **866-893-6772**, and an **Adult Home Advocacy Project** attorney at **877-417-2427** (toll free).

**ARE THERE ANY REASONS FOR WHICH I CAN BE EVICTED?**

**YES.** A judge can evict you for various reasons outlined in the law. You can only be evicted after a trial, however, and only by a Court Order signed by a judge. If you get a notice of eviction for any reason, IMMEDIATELY CALL an **Adult Home Advocacy Project** Attorney at **877-417-2427** (toll free).

**WHO CAN I CONTACT IF I HAVE QUESTIONS?**

You may call MFY Legal Services, Inc.'s Adult Home Advocacy Project toll free at 877-417-2427 Monday through Friday from 10:00 a.m. to 5:00 p.m.

**DISCLAIMER: This fact sheet gives general information  
for NYC residents; it is NOT legal advice.**