when you become 18

A SURVIVAL GUIDE FOR TEENAGERS

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WHEN YOU BECOME 18

A Survival Guide for Teenagers

Congratulations. At age 18, you've reached an important milestone. You are now an adult in the eyes of the law. You can rent your own apartment, take charge of your finances and even buy a car on your own — all without a parent's consent or assistance. You can now enter into legal contracts and vote in elections. In short, you now have the right to make many important decisions about where you live, what you do and how you shape your future.

But adulthood also brings new responsibilities and consequences. Your parents no longer have to support you. You can now be sued personally. You are responsible for paying your own income taxes. If you are a young man, you must register for the military. And if you commit a crime, you will not have the protection of the juvenile court and laws; you could wind up in jail for something that, at a younger age, might have resulted in no more than a stern lecture and a ride home in a police car.

This guide touches on some of the laws that may apply to you at this turning point. Keep in mind that laws are constantly subject to change. If you have a specific legal problem, you may want to consult an attorney.

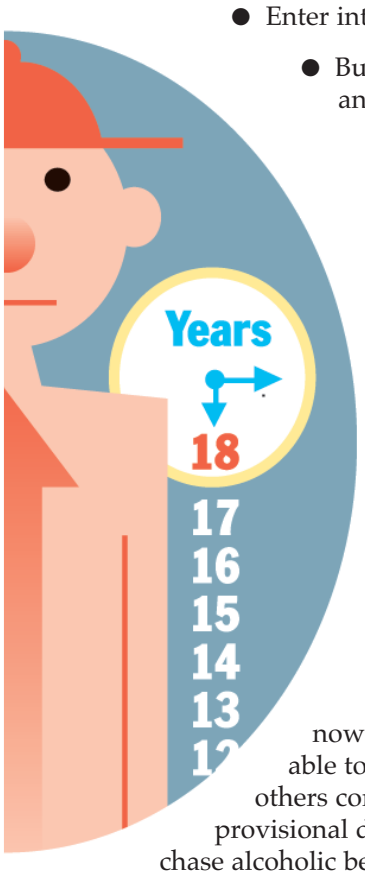
Reaching the Age of Majority / Getting Around / Moving Out / Having Fun / Alcohol and Drugs / Money Matters / Working and Taxes / Sex and the Law / Doing Your Part / Marriage and Partnerships / Dealing with Domestic Violence / Crimes and Consequences / Guns and Other Weapons / Hate Crimes / Civil Laws and Lawsuits / Surfing the Internet / Protecting Your Identity / Consumer Protection / Finding Legal Help

reaching the age of majority

The *age of majority* is a term used to describe the time in life after which a person is legally no longer considered a child. Historically, the age of majority was set at 21 in most states. But after the 1971 ratification of the 26th Amendment to the U.S. Constitution giving 18-year-olds the right to vote in federal elections, most states, including California, lowered their age of majority to 18. (FC § 6502; 42 USC § 1973bb)

At the age of majority, teenagers acquire the right to:

- Enter into binding contracts.
- Buy or sell property, including real estate and stock.
- Marry without the written consent of a parent (or guardian) and a judge.
- Sue or be sued in their own names.
- Compromise, settle or arbitrate a claim.
- Make or revoke a will.
- Inherit property outright.
- Vote in state and local elections.
- Consent to all types of medical treatment.
- Join the military without parental consent.



This does not, however, mean that you now have all of the rights and privileges available to adults. Some come at an earlier age, while others come later. For example, you may be issued a provisional driver's license at age 16, but you cannot purchase alcoholic beverages until age 21. What the age of majority has really come to mean is that point when an individual is treated as an adult for *most* purposes.

When You Become 18: A Survival Guide for Teenagers

For additional copies of this guide in English or Spanish, please e-mail your request (including your name, mailing address, phone number, number of copies and language desired) to: **18@calbar.ca.gov**. Or, mail your request to: ***When You Become 18*, Office of Media and Information Services, The State Bar of California, 180 Howard Street, San Francisco, CA 94105-1639.** The guide is posted on the State Bar's Web site as well at **www.calbar.ca.gov**.

getting around

You may already have a driver's license. (You were eligible for a *provisional driver's license* at age 16.) But now that you are 18, the law applies to you differently in some instances. For example, you can be employed as a driver now. On the other hand, being caught with a beer or other alcoholic beverage — whether you are in a car or far from one — could still result in the temporary loss of your driving privileges.

How does the law treat me differently now that I'm 18?

The greatest change may be that the law now holds you (not your parents) responsible for your actions. At age 18, you assume liability for your own traffic violations or accidents. It is your responsibility to know (and follow) the rules of the road described in the *California Driver Handbook*. When you were younger, your parents could be held legally responsible for at least some damages and financial losses caused by your actions. (VC §§ 17707-17710)

Do I need my own car insurance?

Yes, you must carry proof of insurance (or certain other financial responsibility) when you drive. (VC § 16020) If you are a student, your parents may be able to keep you on their car insurance until you are 24 if they are co-owners of your car. Otherwise, you will have to get your own insurance.

Also, when you buy a car, you will receive the *California Certificate of Title*, commonly known as the "pink slip." It is a very important document, which contains detailed information about the car and provides proof of ownership. The seller is required to sign the pink slip and notify the DMV within five days to finalize the transfer and be discharged from any further responsibilities. The buyer must have the pink slip recorded with the DMV as well within 10 days. (VC §§ 4000, 4150, 5600, 5900, 5902)

KEY CODE ABBREVIATIONS

B&PC	BUSINESS AND PROFESSIONS CODE
CC	CIVIL CODE
CCP	CODE OF CIVIL PROCEDURE
Ed.C	EDUCATION CODE
El.C	ELECTION CODE
Ev.C	EVIDENCE CODE
FC	FAMILY CODE
FGC	FISH AND GAME CODE
Govt.C	GOVERNMENT CODE
HNC	HARBORS AND NAVIGATION CODE
H&SC	HEALTH AND SAFETY CODE
IC	INSURANCE CODE
Lab.C	LABOR CODE
MVC	MILITARY AND VETERANS CODE
PC	PENAL CODE
RTC	REVENUE AND TAX CODE
USC	UNITED STATES CODE
VC	VEHICLE CODE
W&IC	WELFARE AND INSTITUTIONS CODE

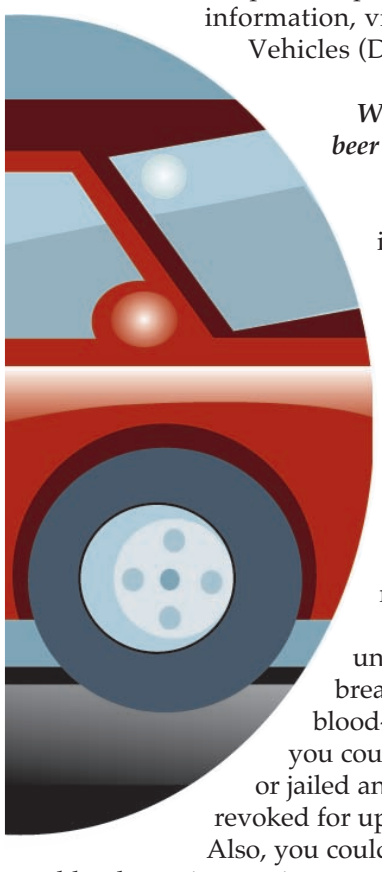
Note: The symbols § and §§ refer to "section" and "sections" in the laws cited throughout the guide.

If I don't already have a driver's license at age 18, how do I get one?

First of all, you no longer have to meet the special requirements and restrictions that apply to younger drivers. For example, you do not have to complete formal driver's education or training to apply for a driver's license. Instead, you must simply:

- Give your full name.
- Supply a thumbprint.
- Pass a vision exam.
- Provide your Social Security number.
- Verify your birth date and legal presence.
- Have your picture taken.
- Fill out an application and pay a fee.
- Pass a written exam on traffic laws and signs.
- Sign a declaration that you will take a chemical test if requested.

You will then be issued an *instruction permit* that will allow you to drive on public roads if accompanied by someone over 18 years old. (He or she must be sitting close enough to grab the steering wheel if necessary.) Then, to get your actual driver's license, you must pass a driving test and provide proof of financial responsibility. For more information, visit the California Department of Motor Vehicles (DMV) Web site at **www.dmv.ca.gov**.



What could happen if I drive after drinking a beer or two?

You would be putting yourself and others in danger. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. And statistics show that roughly one in three young drivers killed in car crashes had been drinking alcohol beforehand.

In addition, it is illegal for *anyone* to drive under the influence of alcohol. If you are under 21, you cannot drive with a blood-alcohol concentration (BAC) of 0.01 percent or higher. Drivers who are 21 and older cannot have a BAC of 0.08 percent or more. (VC §§ 23136; 23152(b))

If a police officer stops you for driving under the influence, he or she can administer a breath, blood or urine test to determine your blood-alcohol level. If you refuse to take the test, you could face serious penalties. You could be fined or jailed and have your driver's license suspended or revoked for up to three years. (VC §§ 13353.1, 23136, 23612)

Also, you could still be convicted of DUI even if a breath, blood or urine test is not performed. A chemical test is not required for a conviction if the judge or jury concludes that the person under age 21 drank alcohol and drove a vehicle. And if you are convicted, it could mean a stiff fine, jail time and even suspension or revocation of your driver's license. (VC §§ 23140, 23536)

If I'm caught drinking alcohol with my friends, can my driver's license be taken away?

Yes. If you are under 21 and are cited for drinking alcohol at a party, for example, you could wind up with a suspended driver's license — even if you were nowhere near a car at the time. Young people between 13 and 21 can have their licenses suspended, restricted or delayed for up to one year for each offense related to the possession, consumption or purchase of alcohol. (B&PC §§ 25658, 25662(a); VC § 13202.5)

Do I need a permit or license to operate a motorized scooter?

Yes. State law requires you to have a valid instruction permit or driver's license to operate a motorized scooter. You must wear a proper bicycle helmet as well. (VC §§ 12500, 12509, 21235)

Do bicycle riders have to follow the same traffic laws as motorists?

Yes, for the most part. Bicycle riders must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to all pedestrians. In addition, it is illegal to ride a bike while under the influence of alcohol or drugs.

Nighttime bicyclists must have a bike equipped with a front light, red rear reflector, pedal reflectors and side reflectors or reflectorized tires. Wearing a radio headset is prohibited while riding a bike. Also, the number of people who can ride on a bike is limited to the number of actual seats. It is against the law to ride on someone's handlebars or center frame bar, or over the bike's rear tire. (VC §§ 21201, 21204)

Laws that Young Drivers Should Know:

Reckless driving: California law prohibits driving a vehicle on a highway or in an off-street parking facility in willful or wanton disregard for the safety of others or property. It also provides for more severe punishment for reckless drivers who cause injuries. (VC §§ 23103, 23104)

Speed contests: Speed contests are against the law. A judge can suspend or restrict a first-time offender's driver's license for up to six months, impound the vehicle for 30 days and send the driver to jail for 90 days, as well as impose fines and community service. And if someone other than the driver is injured, the driver could face up to six months in jail and a higher fine. (VC §§ 23109-23109.2)

Littering and throwing objects at or from a vehicle: California law makes it a misdemeanor to throw anything at or from a moving vehicle, and a felony to do so if the intent is to seriously hurt someone. The law also prohibits littering or throwing lighted cigarettes from a motor vehicle; the penalties for doing so range from a $100 fine to a $1,000 fine and an order to pick up litter or clean graffiti for a first conviction. (VC §§ 23110-12, 42001.7)

Hit and run: In California, you must stop after any accident in which someone is injured or another person's property is damaged. You also must exchange names, addresses, driver's licenses, vehicle licenses and other relevant information. If anyone is injured or dies in the collision, the accident must be reported to the California Highway Patrol (CHP) or to police. When property damage alone is involved, the maximum penalty for failing to report such damage or notify the property owner is six months in jail and/or a $1,000 fine. If someone is injured, the penalty could be as stiff as a $10,000 fine and/or one year in jail, in addition to any liability for the injury. (VC §§ 20001-08)

Driving without a license: It is a misdemeanor to drive without a valid driver's license in California. Also, by law, you must have your license with you when you drive. And if you drive with a suspended or revoked license, you could face up to six months in jail and/or a $1,000 fine for a first conviction. (VC §§ 12500-27, 40000.11(b))

Cell phones and driving: As of July 2008, it will be against the law to use a cell phone while driving unless you are at least 18 and your cell phone is set up for hands-free use, or you are making an emergency call (to law enforcement, for example). Drivers under age 18 will be prohibited from talking on cell phones, "texting" messages or using any mobile service device while driving — except to place an emergency call. (VC §§ 23123, 23124)

Seat belts/child passenger restraints: It is illegal to operate a motor vehicle unless the driver and all passengers are properly restrained by safety belts. (VC § 27315) Violators can be fined. Children must be secured in federally approved safety seats until they are either 6 years old or weigh 60 pounds. And they must sit in a back seat, if there is one, unless all rear seats are already occupied by children under 12. Children who are under a year old or are restrained in a rear-facing car seat or weigh less than 20 pounds are not permitted to ride in the front seat with an active air bag. (VC §§ 27360-27360.5) It is also recommended that children under age 8, who are less than 4 feet, 9 inches tall, be strapped into booster seats. For more information, call the Vehicle Safety Hotline at 1-800-424-9393 or go to **www.nhtsa.gov**.

Unattended children: It is against the law to leave a child (age 6 or younger) unattended in a motor vehicle if the child will be at risk or if the engine is running and the keys are in the ignition. In such situations, the child must be supervised by a responsible person age 12 or older. (VC § 15620; PC §§ 192, 273a)

Road rage: A driver may cut you off and nearly cause an accident, but avoid taking matters into your own hands. Road rage can result in a six-month suspension of your driver's license (first offense) and an order to complete a "road rage" course, and could even land you in jail. Or you could be charged with assault with a deadly weapon, and face up to four years in prison and a $10,000 fine. (VC § 13210; PC § 245(a))

Smoking, cars and kids: It is against the law to smoke a pipe, cigar or cigarette in a vehicle — whether it is moving or parked — if anyone under 18 is in the car. If you light up with an underage youth on board, you could be cited for an infraction and fined up to $100. (H&SC §§ 118947-118949)

Blaring music and loud horns: Think twice before cranking up your car's sound system or misusing your horn while on the road. Such noise could lead to a ticket or even, in some instances, misdemeanor charges. Generally, the car horn can only be used as a warning "when reasonably necessary to insure safe operation" of the car or as a theft alarm system. And your music (or other sound amplification system) is too loud if it can be heard from 50 feet away. This would not apply to certain sound systems, such as those used for emergencies, advertising or political events. (VC §§ 27001, 27007; PC § 415)

Passengers in the trunk: Riding in the trunk of a car is illegal. In recent years, dozens of teens have been hurt and, in some cases, killed while riding in car trunks. If a driver allows someone to ride in the trunk, he or she has broken the law as well. (VC § 21712)

Obscuring your license plate: It is illegal to use or sell any product (such as a special coating) intended to obscure the reading of a car license plate by certain electronic devices. Such electronic devices include, for example, those operated by law enforcement and those used in connection with toll roads, high-occupancy toll lanes and toll bridges. Selling or using any such product could lead to a fine. (VC §§ 5201(g), 5201.1)

moving out

You may be renting your first apartment. You may be going away to college and leasing an apartment with other students. Or you may be saving up for the day when you can afford to move out on your own. In any case, you should know your rights and obligations if you plan to rent a place to live.

Are all rental agreements alike?

No. You might sign a *lease* — a contract that sets the conditions for renting the apartment — for a specific time period. Or the landlord may rent the apartment to you on a month-to-month basis. (Even with a month-to-month rental, however, your landlord must give you certain advance notice if he or she plans to raise your rent or ask you to move out.)

In addition, check the local rules for rental housing. Some cities have special ordinances limiting how much the rent can be raised and the situations in which a tenant can be evicted.

Must a lease be written to be enforceable?

Not unless the lease is for longer than one year.

What are the advantages of putting it in writing?

With a written lease, you will have:

- A better idea of your rights and obligations.
- Protection against dishonesty.
- Protection against poor memory.

Printed-form leases, however, often favor the landlord. Keep in mind that you don't have to use the forms as printed. If your landlord agrees, you can modify the form to suit your situation. And if any outdated, legally invalid rules do appear in the signed lease, you are not bound by them.

What is a security deposit?

It is money that the landlord holds as security against property damages, unclean conditions and unpaid rent. A written lease usually outlines the way in which a security deposit will be handled and what the *tenant* — the person renting the apartment — needs to do to get it back. (CC § 1950.5) Check your local ordinances; they may regulate security deposits.

The owner must return all of your security deposit no later than three weeks after you move, or tell you in writing why you will not get it back. Also, he or she must account for how your money was spent.

Should I get renter's insurance?

It might be a good idea. Unless your lease says otherwise, your landlord's insurance will only cover the building — not your possessions. Renter's insurance is relatively inexpensive (and could make a big difference if you need to replace such items as a microwave, TV or DVD player).

What if I don't pay my rent on time?

If you do not pay your rent when it is due, your landlord can give you a notice to pay up or leave within three days.

Is the landlord required to keep my apartment in good shape?

The landlord's general duty, unless your lease says otherwise, is to keep the premises in a "reasonable state of repair." However, if something is damaged and the damage was your fault, you would be responsible for the repair. (CC §§ 1941.1, 1941.2)

You cannot be legally evicted for simply reporting building code violations to your local building inspector. When conditions are so bad that the premises are "uninhabitable," you should consult an attorney about possible claims against the landlord and about whether you can move out and avoid further rent. (CC §§ 1941-1942.5; H&SC § 17920.3)

Can my landlord enter my apartment without asking me?

Yes, but only to protect the premises in emergencies or unusual situations. If a bathtub overflowed in the apartment above yours, for example, the owner could check your apartment for water damage even if you were not home. The owner could enter your apartment during normal business hours for certain other reasons as well if he or she has provided a 24-hour written notice. For example, if you plan to move, the owner has a right to show the apartment to prospective tenants. Or the owner might need to have an electrician check the wiring. Any other such entry (without your permission or without advance notice) may be trespassing. (CC § 1954)

If I decide to move, do I have to give the landlord any advance notice?

Yes. You must give reasonable notice before the end of a rental period — in most cases, that's a month's notice. However, if you would be breaking your lease by moving out, the requirements would depend on the terms of the lease. You could wind up liable for the period that the apartment remains unoccupied. (CC §§ 1946, 1951.2)

Can my landlord evict me?

It depends on your situation. Do you have a lease? Are you renting your apartment month-to-month? Did you violate your rental agreement? For more information, see the State Bar pamphlet ***What Should I Know Before I Rent?*** Information on ordering a free copy can be found on page 15.

If I sign a lease with three friends and they move out, do I have to pay the full rent or only my share?

It depends on what your lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them.

If I break a lease, can I be sued?

You can probably be sued for:

- All unpaid rent.
- Any physical damage, including unusual cleaning expenses.
- Advertising expenses and other costs of re-renting the apartment.
- The landlord's attorney fees, if the lease provides for it. (CC § 1717)

Can a landlord legally refuse to rent to me because of my race or disability?

No. It is against the law to discriminate in renting, leasing or selling housing on the basis of race, national origin, sex, marital status, color, religion, sexual orientation or disability. (CC §§ 51-53, 1940.3; Govt.C § 12955)

having fun

As a young adult, you will have many new opportunities for fun and games. Keep in mind, however, that there are legal limits. For example, if your parties "disturb the peace," a police officer may be knocking on your door. If you disrupt a professional sporting event by throwing something onto the field, you could face a fine. And if you are subjected to dangerous rituals during your initiation into a college fraternity, someone could wind up in jail.

When would a party be disruptive enough to illegally disturb the peace? (PC § 415)

Police officers could break up your party — and, depending on the circumstances, make arrests — if the festivities include:

- Fighting.
- Loud music.
- Rowdiness.

Rowdy Fan Law: If you try to distract a player or interfere with a play at a professional sporting event by throwing an object onto or across the court or field, you will be breaking the law. Nor can you, as a spectator, enter the court or field during the event without official permission. If you violate this law, you could face a fine of up to $250. Owners of professional sporting facilities must post notices describing the illegality of such conduct and the potential punishment. (PC § 243.83)

- Loud, unreasonable noise.

What can I do if strangers "crash" my party?

You can ask police to kick them out. Crashing a party is trespassing and is illegal. (PC §§ 403, 602.5)

I'm worried about what might happen during my college fraternity initiation. Are there limits to what they can do?

Yes. It is against the law for any initiation or pre-initiation into a student organization to involve *hazing*. Hazing is any method of initiation or pre-initiation into a student organization which causes (or is likely to cause) physical danger or harm, or personal degradation or disgrace resulting in physical or mental harm to any student or other person attending any educational institution in California. If you participate in hazing, you could be fined up to $5,000 and/or be sent to jail. (PC § 245.6) You could also be liable for civil damages.

What could happen if I'm arrested for spray-painting graffiti?

Expressing yourself with spray paint on someone else's property could land you in jail, or even prison, and could cost you as much as $50,000 in fines, depending on the extent of damage. You also could be required to pay for repairing the damaged property and be forced to work on a work crew to remove graffiti in your area. (PC § 594(b))

Do I need a special license to operate a motorboat?

No. But take the time to learn the speed limits and right-of-way rules. And if you plan to tow a water-skier, know where and how to do it. As the boat operator, you could be held responsible for any accidents.

And while alcohol may be present on a boat, it is illegal for the driver to be under the influence. If a drunken boat operator is at the helm when a fatal accident occurs, he or she could be charged with gross vehicular manslaughter. (PC §§ 191.5-193.5)

If you are under 21, it is illegal to operate any recreational vessel or even water ski with 0.01 percent or more blood-alcohol concentration. (HNC § 655.6)

alcohol and drugs

Three out of four high school seniors admit drinking alcohol, a recent survey suggests. More than half have been drunk at some point. And roughly one in two say they have tried some type of illegal drug. But drinking alcohol under the age of 21 or using any type of controlled substance without a prescription is illegal. And it can wreak havoc on your health and life.

In recent years, the non-medical use of certain painkillers, such as Vicodin and OxyContin, by teenagers and a slight upswing in the use of MDMA (ecstasy) have raised concerns. In addition, certain so-called "club drugs" have been associated with "date rape" in which a drug is slipped into an unsuspecting victim's drink to pave the way for a sexual assault (see the section *Sex and the Law*). And in a recent survey, a troubling number of teens — one in 16 high school seniors — admitted they had misused over-the-counter cough and cold medications for the purpose of getting "high."

Am I allowed to buy any type of alcoholic beverage at age 18?

No. In California, it is against the law for anyone under 21 to buy (or attempt to buy) any *alcoholic beverage*. The law defines an alcoholic beverage as any drink that contains at least one-half of one percent alcohol. (B&PC §§ 23004, 25658(b), 25658.5)

Nor is it legal to sell or give an alcoholic beverage to anyone under 21, or to allow anyone under 21 to drink alcohol in a bar, restaurant or store. If you look younger than 21, you will be asked to prove your age. And if you can't provide ID, the clerk can't sell alcohol to you. (B&PC §§ 25658(a), 25658.4, 25659)

Can I get in trouble for using someone else's driver's license or altering my own to look 21?

Yes. Either way, you would be breaking the law. Also, the person who provided you with the false identification would be committing a crime as well. You cannot lend, borrow or alter a driver's license or other identification in any way. (B&PC §§ 25660.5, 25661; VC § 14610)

What can happen if I am arrested for drug possession?

It would depend on the type and amount of drugs, as well as other factors. More than 135 controlled substances carry a *felony* charge (a serious criminal charge) for possession alone. Such drugs include heroin, cocaine, LSD, amphetamines and barbiturates, among others. Conviction for felony drug possession could result in a prison sentence of up to five years and/or a $50,000 fine, depending on the drug. (H&SC §§ 11350-11352.5)

The punishment for possessing marijuana — the most commonly used illicit drug — is less severe. Possession of 28.5 grams of marijuana (other than concentrated cannabis) or less would be considered a *misdemeanor* (a less serious criminal charge) with a fine of up to $100. Possession of the same amount on school property during school hours, however, could mean 10 days of jail time and/or a $500 fine. (H&SC §§ 11357(b), 11357(d))

In California, you may be able to undergo a drug treatment program instead of prosecution if you are a first-time drug offender. And if you successfully complete the program, the drug charges could be dismissed. (PC §§ 1000-1000.5, 1211)

However, if you are arrested with more drugs than someone might reasonably possess for personal use, you could face more serious charges of *possession with intent to sell*. This is a felony even if possession of the particular drug alone would not be a felony. (H&SC § 11351)

A drug conviction could endanger your future schooling as well. If you are convicted of possession or distribution of a controlled substance, you could be barred from receiving benefits — including student grants and loans — from any program using federal funding, except for certain long-term drug treatment. (21 USC § 862)

For more information on the nature of misdemeanors, felonies and other crimes, see the section entitled *Crimes and Consequences*.

Alcohol and the Law

It is illegal to:

- Drink while driving or to have any open alcoholic beverage in the car (or off-highway vehicle) or to drive while under the influence of alcoholic beverages. (VC §§ 23152, 23220-23226)
- Be drunk or under the influence of drugs in public or on a public highway and be in a condition that poses a threat to oneself or others. (PC § 647(f); VC § 23220)
- Possess or drink liquor (or sell or give it to anyone else) at any public school or on school grounds. (B&PC § 25608)
- Allow anyone under 21 to hang around a location where liquor is sold (except for a restaurant). (B&PC §§ 25657(b), 25665)
- Have any open alcoholic beverage in any city- or county-owned park or certain other public places without a special license or unless you are recycling the container. (For this law to be in effect, the city or county must have its own local rule — also called an *ordinance* — prohibiting opened alcoholic beverages in specific areas.) (B&PC § 25620)

And if you are under 21, you cannot:

- Possess liquor on any roadway or in any public place; carry liquor in a car; or be a passenger in a car carrying liquor unless you're accompanied by a parent, responsible adult relative or any other adult designated by the parent or legal guardian — even if the container is sealed. (B&PC § 25662; VC § 23224)
- Enter and remain in a bar without lawful business. (B&PC § 25665)
- Be hired to work in any establishment whose main business is selling alcoholic beverages for use on the premises. If you are under 18, you cannot work anywhere in which alcoholic beverages are purchased for take-out (a liquor or convenience store, for example) unless you are under the continuous supervision of someone who is at least 21. (B&PC § 25663)

If I get caught selling drugs at school, could I be in even more trouble?

Yes. State law imposes severe penalties on anyone 18 or older who illegally prepares for sale, sells or gives a controlled substance to any minor at locations where other children are present. This would include, for example, a school campus or daycare center. Such conduct could result in a prison sentence of up to nine years. (H&SC §§ 11353.1-11353.7)

Is it against the law to use someone else's drug prescription?

Yes. To possess or use someone else's prescription is illegal. Depending on the drug, the penalty could range from 12 months in jail and a $500 fine, to a sentence of five to 10 years in prison and a fine of $5,000 to $10,000. (H&SC §§ 11007, 11350-11353.7)

Could I get in trouble just for holding a friend's roach clip or drug pipe?

Yes. Possession of drug *paraphernalia* — any equipment designed to help grow, make or use a controlled substance — is illegal. In addition, it is illegal for you to be present anywhere (a party, for example) where controlled substances are being used if you are participating or assisting others in their use. (H&SC §§ 11014.5, 11364-65)

Could I lose my driver's license if I'm convicted of drug possession?

Yes. In California, your license can be suspended for one year if you are between 13 and 21 years old and you are convicted of drug- or alcohol-related offenses. Also, successive offenses could result in further suspension or delay of driving privileges. The suspension, restriction or delay of your license would be in addition to the penalty imposed for the conviction. (VC §§ 12806, 12809, 13202.5)

If I use steroids to build up my muscles and improve my game, am I breaking the law?

Yes. All non-medical use of anabolic steroids is illegal. And if you are convicted of distribution, you could face up to five years in prison and $250,000 in fines. (H&SC §§ 11056(f), 11377(b); 21 USC § 841)

Data suggests that steroid use among 12th grade boys has decreased recently in the wake of tightened laws, educational efforts and scandals involving professional athletes. In addition, California Interscholastic Federation rules now require all participating high school athletes to sign a pledge that they will not use anabolic steroids (without a prescription) or dietary supplements banned by the U.S. Anti-Doping Agency. The new, state law-mandated rules require the students' parents (or guardians) to sign notifications about the restrictions as well. (Ed.C §§ 49030, 49033; 21 USC § 802)

For more information on drug abuse, visit the National Institute on Drug Abuse Web site at **www.drugabuse.gov**.

Steroids and Your Health

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke and damaged liver function. Men and women using steroids may develop fertility problems, personality changes and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

—By law, this notice must be posted in all locker rooms in athletic facilities, including health studios, colleges and schools with middle and high school-aged students.(CC § 1812.97)

Money Matters

You can now sign legal contracts, open bank accounts and apply for credit cards on your own. Such independence, however, could also make it easier to get in over your head. Many young people do. And if you are 18, your parents do not have to bail you out financially — it's their choice. So, learn the benefits, pitfalls, rules and restrictions before you make any financial decision.

contracts

What is a contract?

A contract is an agreement between two or more competent parties. Contracts may be oral or written and must be legal. A contract could, for example, involve a large purchase, such as a new car, for which you agree to make installment payments. Or you might sign a contract to lease an apartment for a year or to buy an insurance policy with annual premiums or to accept the terms of a new job.

Who can make a contract?

You can, if you're at least 18 years old and of sound mind. When considering any contract, however, take some precautions:

- Read the contract completely before signing it.
- Do not sign anything until you fully understand the agreement.
- If you don't agree with something in the contract, talk to the other party about altering or removing it.
- Do not sign a contract with blank spaces — either fill them in or cross them out.
- Be sure to keep a complete, signed copy of the contract.

What happens if I break a contract because I didn't understand it?

Not understanding a contract generally is not an excuse for breaking the agreement. It's up to you to understand the terms of the contract *before* you sign it. Breaching a contract — failing to pay a debt according to the contract's terms, for example — can lead to serious consequences:

- You could be sued and be required to appear before a judge. If you lose your case, you may have to pay the judgment plus interest and, in some cases, the other side's costs and attorney fees if the contract requires it.
- If you have an unpaid debt, you may work out an agreement to pay your debt over time. If so, make sure it is in writing. (CC § 1698)
- You could file for bankruptcy, which may allow you to dismiss your obligation to pay certain debts and allow you to rearrange debts and work out payment plans. Bankruptcy may give you a fresh start. But it would also have a bad effect on your credit rating and make it harder for you to get a loan in the future.

bank accounts

What are some good questions to ask before opening a bank account?

- Is there a minimum balance on the account?
- Can I earn interest on this account?
- Is there a charge for the monthly service or for check processing?
- Is there a fee to use the automated teller machine (ATM) or to get a banking agent's assistance by phone?
- Are canceled checks returned or kept at the bank?

What happens if my check bounces?

If you write a check for more than the amount you have in your checking account, the bank may handle it a couple of ways:

- The bank may return the check to the person who attempted to cash it. That person may notify you and charge up to three times the amount of the check in penalties. (CC § 1719) *Note*: Writing a check when you don't have enough money in your account to pay it may be a crime. (PC § 476a)
- Or the bank may pay the check (and require you to make a deposit to cover the difference) and charge you a fee or a penalty. (CC § 1719)

Note: Banks do not have to cash checks that were dated more than six months before being presented to the bank.

How long does it take for a check to clear?

The process could be virtually instantaneous. Some merchants now use *electronic check conversion*. This allows the sales clerk to pass your check through a machine and immediately transfer the funds from your bank account electronically. (The actual check will be returned to you.) In addition, new laws now allow banks to process check payments electronically even before the actual check is returned to your bank for payment. Gone are the days when a check-writer could count on a delay in processing. For more information on the *Check Clearing for the 21st Century Act*, go to **www.federalreserve.gov**.

What is the difference between an ATM card and a debit card?

An *ATM (Automated Teller Machine) card* can be used for basic banking — to deposit funds into your bank account or withdraw money. You simply insert your card into an ATM and enter a personal identification number (PIN). If the transaction will include any surcharges or fees, you must be informed and be given an opportunity to cancel the transaction cost-free.

A *debit card* is used to electronically transfer funds from the cardholder's account. You could use it, for example, to buy groceries at a supermarket. Be careful, however, when carrying or using such a card. The user generally does not need a personal identification number to access your account. So, a thief could take your card shopping and empty your bank account.

If you lose your debit card or someone else uses it without authorization, however, you would not be liable for more than $50 if you notify the debit card company within 60 days. (CC §§ 1748.30, 1748.31)

credit

Why not use a credit card instead of checks or cash?

There's nothing wrong with using a credit card, as long as it is you controlling the card and not the other way around. Credit cards are not the same as cash — you may have to pay annual fees and other charges to use them. With some, you could even be charged interest for the time period between your purchases and your payment — even if you pay your bill in full. Interest and finance charges are set by the banks and retailers that issue the cards and can vary.

What should I do if I lose a credit card?

Report the loss or theft immediately to the bank or company that issued the credit card. If you report the loss promptly, you will not be held responsible for more than $50 of unauthorized charges on the card. (CC § 1747.10)

What is a credit report?

A credit report is a summary of your debts and a history of how promptly you have paid your bills. The information comes from the companies where you have credit accounts and from public court records. It is collected and stored by companies, often called credit bureaus, which make the information available to creditors whenever you apply for a loan or credit card or make a purchase through installment payments. (CC § 1785.10)

Under federal law, you have the right to one free credit report every 12 months from each of three major credit-reporting agencies. Check your reports for inaccurate data that could hurt your ability to get credit or a loan. Also, incorrect information can be a red flag that someone is using your identity to get credit without your knowledge. (For information on ordering credit reports, see *Top 10 Tips for Identity Theft Prevention* on page 14.)

How long does it take to fix bad credit?

It depends on the seriousness of your past problems. The files could go back seven years (or 10 years for bankruptcies). You may obtain your file to review what has been collected from your credit history. In California, if you have been denied credit based on credit report information, you can get a free copy of the report from the credit bureau if you ask for it within 60 days. And if it contains mistakes, you have the right to ask for corrections. (CC §§ 1785.13, 1785.15, 1785.16(b)(c))

What is collateral?

Collateral is an item of value that is accepted by the lender as back-up payment in case you are unable to repay your loan. (CC § 1812.2) If you buy a car, for example, and agree to installment payments, the car itself may be the collateral. The lender could then repossess the car if you fail to make your payments.

Can a lender have different rules for making loans to women, men or minorities?

No. It is unlawful for a creditor to discriminate against any applicant on the basis of race, sex or marital status. Lenders can only make distinctions based on the applicant's credit rating. (CC § 1812.30)

working and taxes

At age 18, you no longer need a special work permit to get a job. At the same time, however, child labor laws no longer protect you from exploitation. Still, as an employee, you do have certain rights as well as responsibilities. In most cases, for example, your employer must pay you California's minimum wage. And with some exceptions, your employer must give you regular breaks, overtime pay, workers' compensation insurance and unemployment insurance.

Will I be offered a written contract with a job?

Probably not. Most employment contracts are oral.

Is there any guarantee that I can keep my job if I do my best?

Unfortunately, jobs don't come with warranties. Generally, an employer can fire an employee without providing a reason. There are exceptions: An employer may not fire or discriminate against someone based on race, sex, color, disability, marital status, age, sexual orientation, national origin, ancestry or religion. (Govt.C §§ 12940, 12948; Civil Rights Act of 1964 Title VII)

What is sexual harassment?

It is another form of illegal discrimination prohibited by federal and state law. In general, it is unwelcome sexual behavior on the part of a supervisor, co-worker or client. Such conduct could be sexual comments, pressure for sexual favors, inappropriate touching or even a sexual assault. Or it might be one employee subjecting another to unwelcome sexual jokes or degrading posters of women or men. (CC § 51.9; Govt.C § 12950)

What can I do if I experience discrimination in the workplace?

You could contact the California Department of Fair Employment and Housing (DFEH) at 1-800-884-1684 (TDD-1-800-700-2320). Or you could contact your local Equal Employment Opportunity Commission (EEOC).

Can my employer deduct anything from my paycheck?

Yes, but only for certain purposes. For example, your employer could deduct funds for:

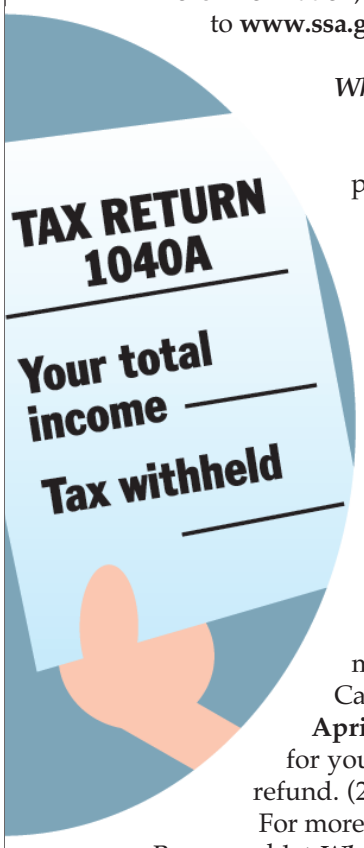
- Tax withholdings.
- Union dues.
- Any losses caused by your dishonesty, willful misconduct or gross negligence.
- Specific deductions that you previously gave written authorization to the employer to make.

What is F.I.C.A.?

The Federal Insurance Contributions Act (F.I.C.A), commonly called Social Security, is a payroll tax that provides retirement, disability and death benefits to workers. The employer pays half of the premium and you pay the other half.

Do I need a Social Security number to get employment?

Yes, unless you are ineligible for a Social Security number. Then you would need an Individual Taxpayer Identification Number (ITIN) instead. A U.S. resident who is not a citizen and a foreign national filing a U.S. tax return are examples of individuals who might need an ITIN. Your employer is required to report your wages to the Internal Revenue Service (IRS) — the agency that collects federal taxes from taxpayers. The IRS, in turn, uses your Social Security number or ITIN to process your federal tax payment. For more information, check with your local Social Security office or go to **www.ssa.gov**. Or call 1-800-772-1213 (TTY-1-800-325-0778).



What is workers' compensation insurance?

It is insurance — paid for by employers — that provides compensation and medical benefits to workers who are injured on the job. By law, employers must carry workers' compensation insurance. (Lab.C § 3201)

Such insurance is also intended for workers who develop occupational diseases caused by their jobs. It is not meant to replace a worker's personal insurance plan. (IC §§ 11630, 11650-11664)

Will I get back any of the tax that I pay?

Maybe. You (or your accountant) must complete an income tax return each year and mail it to the Internal Revenue Service and the California Franchise Tax Board no later than **April 15**. If it turns out that you paid too much tax for your level of income, you would be entitled to a refund. (26 USC § 6402; RTC § 19302)

For more information on employment issues, see the State Bar pamphlet ***What Are My Rights as an Employee?*** (available in English and Spanish). Information on ordering the State Bar pamphlets can be found on page 15.

sex and the law

You may not realize the consequences. You may see it as love. But having sex with anyone under age 18 — even if it is with your consenting 17-year-old girlfriend — is against the law. It would only be legal if the two of you were married. Otherwise, at age 18, you could be charged with *statutory rape*. And depending on the circumstances, you could be in serious trouble.

Or maybe you were the victim of a date rape. Or you think your sister was groped inappropriately. Or your best friend is pregnant and hiding it from her family. As a young adult, you could face a variety of difficult situations involving sex and the law.

What is sexual assault and battery?

It is any type of sexual activity to which you did not consent — and it is illegal. Assaulting or aiding in the assault of another with the intent to commit rape, sodomy or oral copulation is felony *sexual assault*. (PC § 220)

Touching another person intimately without consent for sexual gratification, arousal or sexual abuse could be *sexual battery*, and may lead to jail or prison and/or a fine of up to $10,000. (And, as a convicted sexual batterer, you may have to register as a sex offender for life.) (PC §§ 243.4, 290)

Data suggests that women in their late teens and early 20s are more likely to be raped than women in other age groups. One scenario is *date rape*, also called *acquaintance rape*, in which an encounter turns into non-consensual sex. Keep in mind that friendship, dating or even marital status does not convey an invitation to sexual intercourse. Date or no date, it is rape if one of you says "no." (PC §§ 261(a)(2), 261.6, 263)

What are "date rape" drugs?

They are drugs that may be slipped into an unsuspecting victim's drink to render him or her physically helpless — and pave the way for a sexual assault. The victim may have little or no reason to suspect that anything is amiss. Such drugs are often colorless and tasteless. And they may leave the victim unable to recall what took place. (See below for tips on how to protect yourself.)

Three such drugs — also called "club drugs" — include: GHB (gamma hydroxybutyric acid); Rohypnol (flunitrazepam); and Ketamine (ketamine hydrochloride).

Those convicted of using such drugs to force sexual acts face stiffer punishment. And if someone slips you such a drug without your knowledge and then rapes you — or tries to do so — he or she could face up to 20 years in prison. (21 USC § 841(c)(7)(A))

Date Rape Drugs:

How can I protect myself from being a victim?

- Don't accept drinks from other people.
- Open containers yourself.
- Keep your drink with you at all times, even when you go to the bathroom.
- Don't share drinks.
- Don't drink from punch bowls or other large, common, open containers. They may already have drugs in them.
- Don't drink anything that tastes or smells strange. Sometimes, GHB tastes salty.
- Have a non-drinking friend with you to make sure nothing happens.

For more information on date rape drugs, visit the National Women's Health Information Center Web site at **www.womenshealth.gov** or call the center at 1-800-994-9662.

Source: *The National Women's Health Information Center, a project of the U.S. Department of Health and Human Services, Office on Women's Health.*

What could happen if I'm charged with statutory rape?

It would depend, in part, on the age difference between you and the minor. If there is less than three years' age difference, you could be found guilty of a misdemeanor. This could mean up to a year in jail. If the age difference is greater, however, you could face a felony charge and land in prison. For example, if you are over 21 and you have sex with someone younger than 16, you could be sentenced to two to four years in prison. (PC § 261.5)

In addition to jail or prison time, you could also be liable for up to $10,000 in civil penalties if the minor is three years younger than you. And if you are over 21 and the minor is under age 16, you could face up to $25,000 in penalties. (PC § 261.5)

A separate California law prohibits lewd or lascivious acts (child molestation) with a child under 14. It need not involve sexual intercourse, and consent is not an issue. Such conduct could lead to eight years in prison. If the minor is 14 or 15, and you are 10 years older, a conviction for lewd or lascivious acts could land you in prison for up to three years. (PC §§ 288(a), (c)(1), 1192.7(c)(6))

If my girlfriend becomes pregnant, am I legally required to support the baby?

In general, yes. It does not matter whether or not you and the baby's mother are married. You are both responsible for such support until your child turns 18. If one of you fails to provide the required support and health insurance, the other parent can take the case to court. Also, if the county winds up caring for the child, a judge could order you to pay the county's attorney fees and court costs if the county takes the case to court. (FC §§ 3900, 3901, 4000, 4002(c), 4006; PC § 270)

A judge can also order that your wages — or a portion of them — be deducted from your work paycheck and used for child support payments. (FC § 5208; CCP § 706.030)

What is the baby drop-off law?

It is a law aimed at deterring mothers — often young and desperate — from abandoning their unwanted newborns in dumpsters, cardboard boxes or other unsafe locations. A newborn's parent (or other individual with legal custody) can now voluntarily surrender the infant to any "safe-surrender site" and not risk prosecution for child abuse or abandonment. The infant must be 72 hours old or younger. Hospitals and fire stations are designated as "safe-surrender sites" and are responsible for taking custody of the newborns. (PC § 271.5; H&SC § 1255.7)

doing your part

You now have a greater opportunity to make a difference. You can vote for those who will lead your community, state and nation. You may be asked to take part in the justice system by serving on a jury. And while no draft is in effect, you have a duty, if you are a young man, to register for military service.

voting

Who can vote?

When you turn 18, you have the right to help decide this country's future. As a California resident, you can vote in the precinct in which you live if you are:

- A citizen of the United States. (El.C §§ 2101, 2112)
- Registered at least 15 days before the election. (El.C §§ 2102, 2107, 2154)
- Not in prison or on parole for conviction of a felony. (El.C § 2101)

Where do I register?

Register at your county elections office or at a temporary registration place set up by the elections office. You can also register at your high school or college. Any person qualified to register can apply to the county elections office by mail, telephone or in person. Or, register online at **www.ss.ca.gov**. (A form will be mailed to you for a signature.) For more information, call 1-800-345-VOTE toll free. (El.C §§ 2102, 2103, 2146)

If I forget to register, can I just show up to vote?

No. Voting record books close 15 days before an election. You must be registered by then. (El.C § 2102)

Where do I vote?

The county elections office establishes the polling place in your neighborhood.

If I'm away at college, can I vote there?

Yes, if you have become a resident there and have registered to vote. Otherwise, you will need to vote by *mail voter's ballot* (also known as an *absentee ballot)*. Contact your home county elections office at least 7 days before the election for a mail voter's ballot. Your completed ballot must be received on or before election day by 8 p.m. (El.C §§ 3000-3003)

jury duty

When I turn 18, am I automatically eligible to serve as a juror?

No. To serve on a jury, you must:

- Be at least 18 years old.
- Be a U.S. citizen.
- Be able to understand English.
- Live in the court's jurisdiction.
- Not have been convicted of a felony or malfeasance while in public office (unless your civil rights have been restored by, for example, a pardon).

How are potential jurors selected?

They are selected randomly from voter registration and Department of Motor Vehicles lists, telephone directories, utility company lists and other such lists that provide a cross-section of citizens. (CCP § 197) Once summoned to court, the prospective jurors then make up the panel from which trial jurors are chosen.

Do all potential jurors wind up serving on a jury?

No. The court typically brings in more prospective jurors than will be needed. This is because some people are automatically excused and others may be excused during the jury selection process. (CCP §§ 222.5, 223)

If I'm summoned for jury duty, do I have to respond?

Yes. If you fail to respond to a jury summons, you can be held in contempt of court and be fined or imprisoned or both. (CCP §§ 204, 209) If you cannot serve on the summons date, however, you may ask for one postponement to a more convenient time. (Read the summons from your particular court to find out how to respond in your county.)

You might be excused from jury duty if such service would cause *undue hardship* for you or the public, or for certain other reasons (see below). Also, if you do not meet the eligibility requirements for jury service or you are under a conservatorship or you are a peace officer, contact your local jury office. You might be disqualified or temporarily excused from service. Whatever your circumstances, however, do not ignore the jury summons.

Why would a judge excuse some people and not others?

Judges have the right to excuse prospective jurors for a variety of reasons. The prospective juror may:

- Have immediate family members related to someone involved in the case. (CCP § 229)
- Have a financial interest in the case. (CCP § 229(b))
- Have been convicted of a felony, have prejudice or bias or have formed an opinion regarding the outcome of the case. (CCP §§ 203, 225(b))

The judge may also excuse a potential juror if service on the jury would cause undue hardship on him or her or on the public. Judges may use their discretion. (CCP § 204(b))

What happens during the jury selection process?

Names are chosen at random from those called for jury duty. The judge asks general questions and excuses people for the reasons mentioned above. Lawyers may do more questioning and ask the judge to excuse others for the same reasons. In addition, each lawyer is allowed, without providing any reason, to excuse a certain number of prospective jurors from the case. (CCP §§ 194(d), 228, 231)

What if I can't get time off work to report for jury service?

Employers are required to give employees time off for jury duty. (Depending on your employer, however, you may lose wages during that time.) Also, it is against the law for an employer to fire or harass you for reporting to jury duty as long as you have given the employer reasonable notice. (Lab.C § 230) If this occurs, notify your local jury office or the judge assigned to your trial.

There are also laws allowing students to be excused from classes to fulfill their jury service. (Ed.C § 48205(a)(5))

Will I be paid anything for my jury service?

Yes, but not much. Beginning on the second day of service, the county will pay you at least $15 a day (unless you continue to receive your regular pay from a government or public employer during jury service) and 34 cents per mile in mileage costs one way. (CCP § 215)

What happens if I'm not selected to serve on a jury?

If you are not chosen as a juror on the first day of your jury service, you will be excused and cannot be summoned back for such service for at least one year. This is because California has a "one-day or one-trial" jury service system. If you are chosen to sit on a jury, you will be expected to serve as a juror throughout the trial. Once the trial concludes, however, you will not be summoned back for at least a year.

Trials can range from a day or two in length to months or, in rare cases, even longer. However, the judge in the case will have some idea of what to expect. And if serving as a juror in a long trial would be extremely difficult for you, you will have an opportunity to explain your situation to the judge.

Being on a jury can be a rich and rewarding experience. There are countries in which the citizens do not have such a right. As a juror, you will be called upon to judge the facts. And the trial judge may take away your decision only in very limited circumstances. For more information on jury service, request a free copy of the State Bar pamphlet ***What Should I Know About Serving on a Jury?*** Or visit the California Courts Web site at **www.courtinfo.ca.gov/jury.**

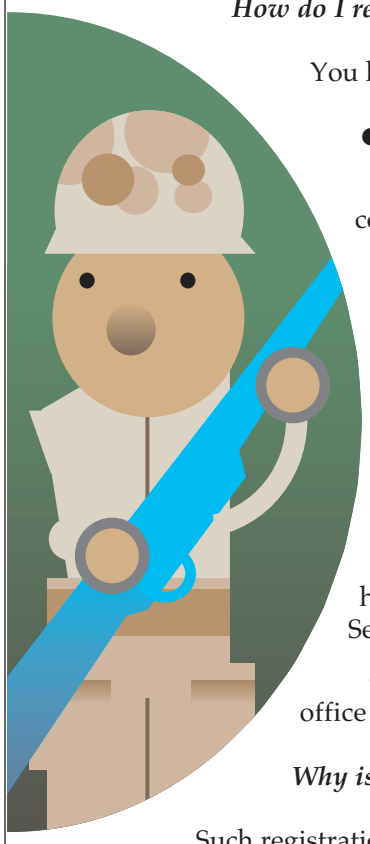
military service

Am I required to register for military service even if I do not want to enlist?

It depends. If you are a male U.S. citizen or male immigrant living in the United States, you generally must register with the Selective Service System within 30 days of your 18th birthday. All eligible young men ages 18 through 25 must be registered. Women are exempt. (50 USC § 453; Govt.C § 7593.1; Ed.C § 35041.3)

Failure to register could result in a maximum $250,000 fine and/or five years in prison. In addition, you must register to qualify for federal student aid, federal jobs and federal job training, as well as any state student financial aid or state employment. (Ed.C § 69400) And if you are an immigrant from ages 18 to 25, you must register to remain eligible for citizenship.

How do I register?



You have several options. You can:

- Register online at **www.sss.gov**.
- Pick up a form at your local post office, complete it and mail it in.
- Mail in a completed Selective Service reminder card (a card sent to most young men around their 18th birthdays).
- Check the appropriate box on a Federal Student Financial Aid form. The Department of Education will then supply the necessary registration information to the Selective Service.
- Register at your high school. Many high schools have staff members who are Selective Service registrars.
- Register at any U.S. embassy or consular office if you are living overseas.

Why is there a Selective Service registration?

Such registration allows the government to keep a list of young men who could be summoned quickly — in a fair and random order — in the event of a national emergency. (50 USC § 451)

If the draft were reinstated, who would be called first?

A lottery would determine draft priorities based on the registrants' birth dates. Using a random selection of birth dates, young men who would be turning 20 during the year of the lottery would be called first, followed by the 21-, 22-, 23-, 24- and 25-year-olds. The younger men — those who will not reach age 20 the year of the lottery— would be called last.

Would I be able to get an exemption to attend college?

No. There are no student or job-related deferments. As a college student, you would only be allowed to postpone your service until the semester's end or, if it is your senior year, until the end of the year. Hardship, conscientious objector and ministerial exemptions are still allowed. (50 USC § 456; MVC § 125)

Can I enlist for military service when I turn 18?

Yes. You must be 18 to enlist without your parents' consent. If you have written permission from your parents, you can enlist at age 17.

marriage and partnerships

At age 18, you now have more freedom in matters of the heart as well. For example, you no longer need your parents' consent to get married.

How does the law define marriage?

Marriage is a legal lifelong contract between a man and a woman. State law creates the relationship and describes the consequences of divorce or other marital problems. (FC § 300)

Where can I get a marriage license?

Simply apply for one at the county clerk's office in the county where you are to be married and pay the application fee. You will have to sign an

affidavit that you have received a health department brochure containing information about genetic defects, AIDS (including the availability of testing) and domestic violence. (FC §§ 350, 355, 358)

For a legally valid marriage, you will need:

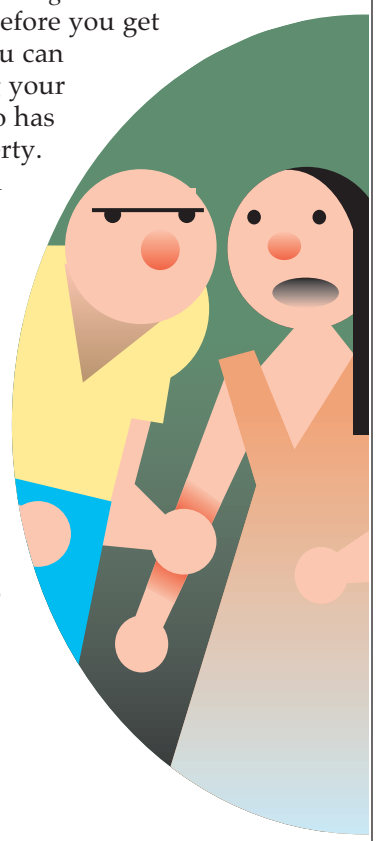
- An authorized official (generally a clergyman, judge or someone else who is legally authorized to perform marriages). (FC § 400)
- A competent adult witness. (FC § 422(b))
- Mutual declarations from you and your spouse-to-be that you take each other as husband and wife. (FC § 420)
- A marriage license. (FC §§ 300, 359; H&SC § 103175)

What is community property?

The assets and wages earned or obtained during a marriage. Both spouses have equal ownership and control over the *community property* in a marriage. Both also may keep certain property separate. *Separate property* would include, for example, any assets that belonged to one spouse or the other before the marriage (as long as the property was always kept separate from the community property). A gift "earmarked" for one spouse or the other and an inheritance also would qualify as separate property. (FC §§ 750-752, 760, 770-772)

What is a prenuptial agreement?

It is an agreement — also called a *premarital agreement* — that you and your prospective spouse can make before you get married. In such an agreement, the two of you can change your rights and obligations regarding your property. For example, you could decide who has the right to buy, sell or manage certain property. Or you might agree on how the property will be distributed if you wind up divorced. Nothing in the agreement can violate public policy or be criminal. Also, a spouse must have independent counsel if he or she wants to waive future spousal support. And nothing in the agreement can put child support in jeopardy. (FC §§ 1500, 1610-1613)



Now that I'm married, does my new spouse have to support me?

Both spouses are obligated to provide for the support of the other and for any minor children. Either spouse can be held liable for necessities furnished to the other or to minor children. (FC §§ 3900 et seq., 4300 et seq.)

What would be grounds for divorce?

In California, there are two grounds:

- Irreconcilable differences.
- Incurable insanity. (FC § 2310(b))

How do I get divorced if my marriage breaks down?

You will need to file a *divorce* petition (known as *dissolution* in California). You may want to consult an attorney. A judge will consider child custody, child support, financial maintenance of either spouse and property division. As a general rule, all community property assets and debts are divided equally.

Also, you have several options — each with advantages and disadvantages — in how you handle your divorce. You could hire an attorney to represent you. Or you could simply seek a lawyer's help with certain parts of the process. Or you and your spouse could reach an agreement with the help of a mediator and avoid going to court. Or you could act as your own attorney.

For more information, see the State Bar pamphlet ***What Should I Know About Divorce and Custody?*** Information on ordering a free copy can be found on page 15.

Can same-sex couples get married?

No, not in California. While there are some ongoing efforts to change the law, marriage between two individuals of the same sex currently is not recognized in California. (FC § 308.5)

Same-sex couples can, however, register as *domestic partners* in California. And state law entitles registered domestic partners to virtually the same "rights, protections and benefits" and "responsibilities, obligations and duties under the law" as married couples. For example, registered domestic partners can adopt each other's children, acquire property rights and get health care coverage if it would be available to a spouse. They can also file joint state income tax returns (not federal) and change their names. (FC §§ 297.5, 298.6; Lab.C §§ 230.2, 233; R&TC § 17021.7, 18521)

And if the relationship breaks up, such partners have the same rights and obligations that apply in a divorce. Issues such as child support, alimony and distribution of property would be resolved in superior court proceedings. Sometimes — such as when a partnership lasts fewer than five years and/or produces no children — the partnership can be terminated without filing a dissolution if both partners agree to it. (FC §§ 299-299.3)

What if I can't afford to support my children after my divorce or the dissolution of my domestic partnership?

The child's other parent or a child support agency can sue you for support. In addition, a wage assignment can be obtained that would automatically deduct the support payment from your paycheck. (CCP §§ 706.011(b), 706.030; FC §§ 297.5, 3900)

Can my parental rights ever be taken away?

Yes. They could be terminated for the following reasons:

- Abandonment. (FC § 7822; PC § 270)
- A continuing need for protection or services for the child. (FC § 7828)
- Repeated abuse. (FC § 7823)
- Your failure to assume parental responsibility, moral and financial. (FC §§ 7820 et seq.)

dealing with domestic violence

No one — that includes your boyfriend, girlfriend or any family member — has the right to hurt you. Unfortunately, however, verbal and physical abuse among intimate partners and family members does occur. It may begin with shouting and escalate to hitting and, in some cases, even deadly force. Such abuse — referred to as *domestic violence* — cuts across all cultures, ethnic backgrounds, education levels and income brackets. It impacts gays and lesbians as well as heterosexuals. It happens to teenagers as well as senior citizens, and men as well as women.

What is domestic violence?

The law defines *domestic violence* as certain kinds of abuse directed toward a spouse or former spouse, a domestic partner or former domestic partner, a cohabitant or former cohabitant, a person related by blood or marriage, or a person with whom the abuser has had a "dating or engagement relationship," or with whom the abuser has had a child. (FC §§ 6200 et seq.; PC § 13700(b))

Such violence is behavior driven by a need to control. It can range from threats, annoying phone calls and stalking (such as following the victim to and from work and threatening the victim), to unwanted sexual touching and hitting, to the destruction of the victim's personal property. And data suggests that women ages 16 through 24 are victimized by intimate partners at a higher rate than any other group.

How can the law help me if I'm battered?

If you are in immediate danger, call 911. When the police arrive, explain what happened. The police officers can contact an on-call judicial officer and issue an *Emergency Protective Order* (also called an *EPO*). This legally prohibits the batterer from coming within a certain distance of you for five court days. It also may grant you temporary custody of your children.

To get a longer-lasting restraining order, file for a *Temporary Restraining Order* (*TRO*). At a later court hearing, you can ask that the TRO be made "permanent," which means it will last up to five years and can be renewed. But don't harbor a false sense of security. A restraining order may lower the risk of violence, but it does not eliminate it. (FC §§ 6250, 6300 et seq.; W&IC § 15657.03)

Survivors of domestic violence also may keep their home addresses confidential through the state program called *Safe at Home* (1-877-322-5227). In addition, other forms of assistance — shelters, relocation funds and free counseling — exist as well. For more information, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233). For TTY, call 1-800-787-3224.

Can I seek a criminal complaint against my abuser?

Yes. If you have been abused, call the police immediately. Seek hospital treatment and keep a record of injuries and the names of witnesses, police officers and medical attendants. You should keep copies of all medical reports as well.

crimes and consequences

Suppose you get caught shoplifting DVDs at age 17. You might be lectured and driven home in a police car for a first offense. But if you did the same thing at age 18, you would probably be arrested and, depending on your record, you might be sent to jail for up to a year. If you had a history of theft, you could even be imprisoned for longer.

Once you turn 18, you face much more serious consequences for breaking the law. The juvenile justice system, which puts greater focus on rehabilitation, will no longer handle your case. Instead, you will now — if you commit a crime — face adult penalties.

What is a crime?

A *crime* is doing something illegal — such as destroying someone else's property or using illicit drugs — that is punishable by a fine and/or imprisonment. (PC § 15)

Are there different levels of crimes?

Yes. Crimes are divided into three general categories:

Felonies are the most serious and can result in a fine and/or commitment to state prison for more than a year. In addition, certain felony convictions can lead to life in prison without the possibility of parole or even the death penalty. (PC § 17)

Misdemeanors are less serious crimes punishable by a fine and/or up to one year of jail time. (PC § 19)

Infractions usually do not involve any time in jail, but do require a court appearance and/or payment of a fine. If charged with an infraction, you are not entitled to a jury trial or an attorney at state expense. Some traffic violations are infractions.

Some crimes are punishable as misdemeanors or felonies. Such crimes — known as ***wobblers*** — are considered felonies until judgment is imposed by a court.

What if I did something illegal without realizing it was a crime?

You are still guilty of the crime. Ignorance of the law is not an excuse. Ask yourself if what you are doing will harm somebody or damage someone else's property. If it will, it's wrong and may be a crime. (PC §§ 26, 27)

What happens if I am arrested?

You will be searched, handcuffed and taken to a police station. You also will be advised of your rights — commonly known as the "*Miranda*" warning — under the United States Constitution. (*Miranda v. Ariz.* 384 U.S. 436)

Be careful what you say to your mother or anyone else at the police station — even if you are behind closed doors. You have no right to privacy in a police station.

Once you have identified yourself, you can refuse to discuss your case with police. Law enforcement officers cannot threaten you or force you into answering questions. Nor can they offer you leniency in exchange for any written or oral statements. Also, you have the right to have an attorney present. If you cannot afford to hire an attorney, the court will appoint one for you. (PC §§ 686(2), 851.5)

You may, however, choose to answer questions, sign papers or submit to tests. Just be aware that such information, if given voluntarily, can be used as evidence against you in court.

What happens after I have been arrested and booked?

Typically, you would be taken to court for an "initial appearance" within 24 hours. If you were arrested on a weekend, however, you might have to wait until Monday morning when court opens. (PC § 859b)

Can someone bail me out?

Maybe. It would depend on the circumstances of your case. *Bail* is designed to guarantee your appearance in court. The court will often require that a certain amount of money be deposited with the clerk of courts. Sometimes the court allows the deposit of a bond or the title to a home. Usually a member of your family must obtain the funds, deposit the money and show the receipt in order to get you released. In some situations, you could be released on your own recognizance without posting bail. (PC §§ 815a, 823, 859a, 1268-1276.5)

What do I do if I can't afford an attorney?

You are entitled to an attorney. At your initial appearance, tell the judge that you wish to speak to someone from the local public defender's office. Generally, the judge will postpone your case to give you time to contact a public defender. (PC §§ 858, 859, 866.5, 987)

What happens if I help a minor break the law?

If you help a minor commit a crime, you could face criminal charges as well. (PC §§ 30-31)

What could happen if I lie or file a false police report?

It is against the law to make a false police report, give false information to a police officer or turn in a false fire alarm. In addition, you should tell the truth if you are questioned as a witness. To lie under oath is itself a crime. (PC §§ 118, 148.4, 148.5)

What can I do if I think a police officer is mistreating me?

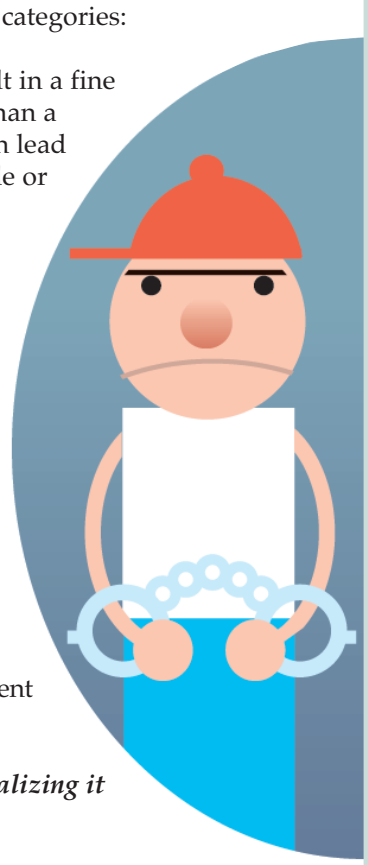
If you are being placed under arrest, cooperate with the officer — even if you think he or she is out of line. You can, if you choose, protest and seek lawful remedies against the officer later. For example, you could hire an attorney, seek help from a legal aid organization, or take your case to a special law enforcement agency, private agency or organization set up to handle such complaints. (PC § 834a)

If an unusually serious offense is involved or you wish to bypass such channels, you could contact the district attorney's special investigations division. Or, if a federal law may have been violated, you might contact the U.S. Attorney General or FBI.

Police may not handle every situation properly. But keep in mind that a police officer's behavior is often in response to provocation, a complaint from another citizen, mistakes made under pressure or doubt as to what the law is. Good police community relations are a two-way street with both sides either contributing to the problem or to its solution.

Could I be tried as an adult even before I turn 18?

Maybe. It would depend on the nature of your crime. If you are at least 14, you can be tried as an adult for certain offenses (generally serious and violent crimes, such as murder, aggravated sexual assault, illegal use of a firearm and gang-related crimes). Prosecutors make such decisions on a case-by-case basis. (PC § 26; W&IC §§ 602, 607(b), 707)



Smoking and the Law

If I'm 18, is it legal to smoke?

Yes. But that doesn't mean it's healthy. And keep in mind that it is against the law to sell or give tobacco products to anyone under 18. (PC § 308)

Can I smoke wherever I want?

No. Smoking is prohibited in all public buildings and all enclosed workplaces in California. This includes, for example, all bars, restaurants and office buildings. The law is intended to protect employees statewide from the harmful health effects of second-hand tobacco smoke. (Govt.C §§ 7596-7598) In addition, a few cities have imposed even stricter bans, prohibiting smokers from lighting up in city-owned parks, for example, or in public squares and certain other outdoor places.

gang violence and the law

It is not against the law to belong to a street gang. However, if you are convicted of a ***gang-related crime***, you could ***pay a stiffer price*** for what you did. Committing a violent felony *with* fellow street gang members, for example, could tack 10 additional years onto your prison sentence. Some cities in California and other states also have been granted civil injunctions restricting the members of certain gangs from gathering together in business establishments or public places in specific neighborhoods. Such injunctions may prohibit the gang members from wearing clothing that bears gang insignia, for example, or from talking on cell phones in certain areas. Under public nuisance law, cities have imposed up to six months in jail or a $1,000 fine against gang members who violate the injunction. (CC § 3480; PC § 186.25)

What is the "three strikes law"?

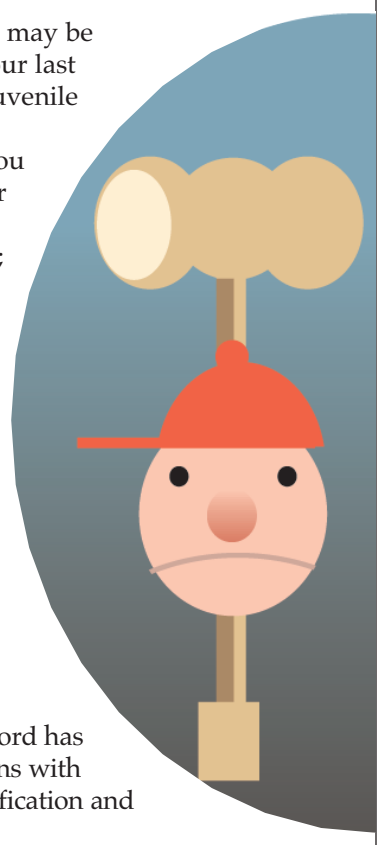
Under the "three strikes law" (the *California Career Criminal Punishment Act*), a third criminal conviction could mean, in certain situations, a sentence of 25 years to life in prison. If you have been convicted of two violent or serious felony crimes (strike one and strike two) and you commit a third felony (any felony), you could be subject to the "three strikes law." And if you have a prior juvenile record, it could count if you were at least 16 when you committed any previous crimes. (PC § 667) Prosecutors and judges have some discretion in their application of the three strikes law.

Can I get my criminal record sealed?

Maybe. A California juvenile court record may be sealed when you turn 18 or five years after your last juvenile court case ended. You must ask the juvenile court to seal the record. (W&IC § 826)

However, if you were 14 or older when you committed a felony, a serious misdemeanor or certain vehicle violations, the juvenile court does not have to seal your record. (PC § 851.7; W&IC §§ 707(b), 781)

Sealing a California juvenile court record means that those charges, arrests and probation status reports contained in the record cannot be seen by anyone without the person's permission. Once a record is sealed, you can legally tell any future employer or school admissions officer, for example, that you were never arrested. (PC § 851.7(b); W&IC § 781(a))



If my record is sealed, is it really out of reach?

Yes, for the most part. But even when a record has been sealed by the court, a partial record remains with local police, the State Bureau of Criminal Identification and Investigation, and the FBI. (W&IC §§ 781, 826)

Once a record has been sealed, the police, probation department and court cannot legally release any information about it or even provide clarification of any information that may help the person who was convicted. In some instances, the consequences of simply having a criminal record can be more severe than the punishment for the crime.

What are some consequences of having a criminal record?

- A **driver's license may be denied** on the basis of a criminal record, and many jobs require a car. (VC §§ 13202, 13210, 13350 et seq.)
- A criminal record might **prevent a person from being accepted by the college or university** of his or her choice.
- A person who has been convicted of a crime may be **prevented from entering the armed forces** or, if accepted, may not be given a commission or a security clearance. (10 USC § 504)
- A person who has been convicted of a felony and is imprisoned or on parole **does not have the right to vote**. (El.C §§ 2101, 2150, 2212)
- Many businesses require employees to be bonded. An insurance company usually **refuses to bond** anyone who has been convicted of a felony.
- Some **employment** may be **closed** to those convicted of crimes or those who, while minors, committed offenses which would be considered crimes if committed by an adult.
- If you are **not a citizen** and **you are convicted** of violating any law or regulation of a state, the United States or a foreign country, you could be **deported and prohibited from returning to this country**. (8 USC §§ 1182, 1227) Also, law enforcement agencies are required to notify United States Immigration Services regarding the arrest of anyone who is not a citizen. (PC §§ 834b, 834c, 1016.5, 5026; Govt.C § 68109)

Are there state and federal criminal laws?

Yes. In California, most criminal laws can be found in the California Penal Code, but criminal acts also are defined in other parts of the law. For example, some city and county ordinances — such as curfew laws, laws against smoking and laws requiring smoke detectors or fire escapes — are considered criminal laws as well.

In addition, the federal government has its own system of courts, law enforcement agencies and laws. Known as the United States District Courts, federal trial courts also have their own sentencing provisions and correctional agencies.

Many federal criminal laws relate to acts involving U.S. governmental agencies, such as the U.S. Postal Service and the U.S. Treasury, and to crimes involving interstate commerce. Also, most federal crimes are felonies punishable by more than a year in prison.

What are some common federal crimes?

- Transporting a stolen vehicle across state lines. (18 USC § 2313)
- Making a false statement to the government with the intent to defraud. (18 USC § 1001)
- Mailing matter that is obscene or incites crime. (18 USC § 1461)
- Transporting or importing narcotics. (21 USC § 952)
- Forgery of government checks. (18 USC § 513)
- Possession of stolen mail and items — such as credit cards — which have been stolen from the mail. (18 USC § 1708)
- Robbery or burglary of a bank or savings and loan institution. (18 USC § 2113)

In addition, federal courts handle all state law violations committed on federal property, such as at a national park or federal office building.

guns and other weapons

When you turn 18, you are old enough to buy a rifle or shotgun if you choose. (You must be 21 to buy a handgun.) But if you do, be aware of the responsibilities, safety rules, and dangers associated with firearms. In 2005 alone, some 30,000 people died in firearm-related accidents, homicides and suicides nationwide — more than 17,000 of them dying from self-inflicted gunshot wounds.

What are some of the laws regulating guns and other weapons?

It is illegal to:

- Leave a loaded gun in a place where a child can retrieve it. The potential penalty is a fine and prison time. (PC §§ 12035-12036)
- Conceal a weapon on your body or in your car without a special permit. (PC §§ 12031, 12050)
- Carry a loaded firearm in a vehicle, in a public place or in any other area where it is forbidden. (PC §§ 12031, 12034; FGC § 2006)
- Possess a firearm within 1,000 feet of any K-12 school. (PC § 626.9)
- Possess blackjacks, billy clubs, sandbags or metal knuckles. These can be taken and destroyed by the police. (PC §§ 12020, 12029)
- Make a blackjack or metal knuckles, or carry explosives. (PC § 12020)
- Carry, sell, lend or give away a switchblade knife or similar type of knife if the blade is longer than two inches. (PC § 653k)
- Possess a taser, stun gun, any kind of unguarded razor blade or any knife longer than 2-1/2 inches on school grounds. (PC § 626.10)

In addition, California requires a 10-day waiting period and a criminal record check for most gun buyers. (PC § 12071)

Could I get in trouble for simply pointing a gun at someone?

Yes. It is against the law to threaten anyone with a deadly weapon (except in self-defense) or to carry such a weapon without a license. This includes tear gas weapons, such as mace, which require training and licensing. In addition, using tear gas is a felony unless it is done in self-defense. (PC §§ 245, 12024, 12403.7)

Are there any restrictions on where I can practice my shooting?

Yes. You cannot shoot any firearm from or onto a public road or highway in any city. It also is against the law to shoot a firearm at any house, vehicle, building or aircraft and, of course, at any other human being. (PC §§ 246, 374c)

Do I need a license to hunt?

Yes. In California, you must have a license to hunt any bird or animal. In addition, you will need a "certificate of competence" from a hunter-safety training course to get such a license. (FGC §§ 1054.2, 3031, 3049-3054)

hate crimes

A *hate crime* is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation or association with any person or group that has one or more of these actual or perceived characteristics. (PC § 422.55) In California, the law also specifically prohibits anyone from damaging property or using force or threats of violence to interfere with someone else's rights because of any of these actual or perceived characteristics. (PC § 422.6)

What are some examples of hate crimes?

Hate crimes take many forms. Such a crime could be a physical assault, an attempted assault or simply the threat of an assault. It could be any crime motivated by the offender's bias (as defined in PC § 422.55). A threatening phone call, a swastika on your door, a burning cross on your lawn, paint splatters on your car or other damaged property could be evidence of a hate crime. (PC §§ 190.03, 422.6, 422.7, 594.3, 11410, 11411, 11413) A hate crime is different from a *hate incident*, which is hate-motivated conduct (such as a bigoted insult, taunt or slur) that is protected by the individual's First Amendment right to freedom of expression.

How can I stop someone from continuing to harm me?

If you know the person's identity, you could ask the court for a *restraining order*. Your city attorney, county district attorney or the California Attorney General's office can request such an order for you. Or the district attorney or city attorney might decide to seek a civil injunction on behalf of the State of California, and request that each person who violated your rights pay you a $25,000 penalty. (CC § 52.1)

What will happen to the person who harmed me?

If there is enough evidence of a hate crime, the county district attorney could prosecute your alleged attacker. And depending on the facts of the case, your assailant could face jail and a fine, or even prison. If the crime is a hate-motivated felony, the judge may add years onto the offender's prison sentence. The judge could order "restitution" as well. This means that the convicted person would have to pay you back for "actual damages" or losses. Such costs might include your medical bills, for example, or the removal of racist slurs from a fence. (PC §§ 422.6, 422.7, 422.75, 422.85)

civil laws and lawsuits

In general, legal actions are divided into two categories: *criminal* and *civil*. Civil actions are lawsuits in which someone sues someone else for *monetary damages* (money) or something else to compensate for an injury or damaged property. Or a lawsuit could demand future protection of some type.

When you turn 18, you can sue — or be sued — in civil court.

What is a tort?

It is the legal term for certain kinds of injuries or damage that could lead to a lawsuit. If you commit a *tort* (injuring someone or damaging someone's property or reputation), you could be sued. It doesn't matter whether you injured the person on purpose or by accident. (Some torts are also crimes, so you could be tried in two courts for the same conduct.) And if you are found liable, you could be ordered to pay all resulting damages. (CC § 3333)

Examples of torts include:

- ***Negligent driving*** — causing injuries and/or damaging property. (CC § 1714; VC § 23104)
- ***Assault*** — unlawfully attempting to touch or hurt another person. (PC § 240)
- ***Battery*** — intentionally touching another person without his or her consent. (PC § 242)
- ***False imprisonment*** — keeping someone in a room or car or other place so he or she can't leave. (PC § 236)
- ***Defamation*** — an unlawful written or spoken attack on the reputation or good name of a person. (CC §§ 43 et seq.)

Is there any time limit for filing a lawsuit?

Yes. There are *statutes of limitations* — laws that set time limits for filing various types of lawsuits. For example, the time limit is generally two years from the time of the injury for *personal injury* lawsuits. (CCP § 335.1) And for lawsuits involving damage to real or personal property, it is three years from the date that the damage occurred.

If the injury or damage occurred when you were a child, however, the time clock usually does not start ticking until you turn 18. If you were injured in a traffic accident at age 11, for example, you could wait until two years after your 18th birthday to file suit. (CCP § 352)

surfing the internet

You talk to your friends via the Internet. You research school papers online. You may even buy birthday presents, sell used sporting gear and make your weekend plans in cyberspace. For many in your generation, the Internet is a central part of your day-to-day life. But surfing the Internet also involves some risks. You cannot always be sure who's at the other end of an online conversation. Someone could misuse your private information if you're not careful. And if you hack into someone else's computer or download certain material, you could wind up in trouble.

Is downloading information, pictures or music off of the Internet ever against the law?

Yes, sometimes. You could get into trouble, for example, if you download sexual pictures of children or young teens. Possession of or control over "child pornography" (any matter depicting a person under the age of 18 engaged in or simulating sexual conduct) is a crime. The first offense is punishable by up to one year in county jail or state prison and a $2,500 fine. The second offense requires state prison time. And if you are convicted of possessing (or attempting to possess) such material, you would have to register as a sex offender for life. So, any e-mail with an attached photo of child pornography should be deleted immediately. (PC §§ 290, 311.11)

In addition, it is illegal to download certain other material as well. See the *Computers, the Internet and Theft* on the next page.

Is it safe to give out personal information online?

It is never completely risk-free. So, if you do provide personal data online, take some precautions. For example, never give personal identifying information (such as your Social Security number) to solicitors or agencies that contact you first — even if the e-mail or online advertisement looks official. It can be difficult to distinguish legitimate solicitors from those who want such information for fraudulent purposes.

Tips for Teens who Socialize Online:

WHAT TO TYPE: Be smart. If you don't use privacy settings, anyone has access to your blog or profile, not just people you know.

DON'T:

- Post your cell phone number, address or the name of your school.
- Post your friends' names, ages, phone numbers, school names or addresses.
- Add people as friends to your site unless you know them in person.
- Communicate with people you don't know.
- Give out your password to anyone other than your parent or guardian.
- Meet in person with anyone you first "met" on a social networking site.
- Respond to harassing or rude comments posted on your profile.
- Make or post plans and activities on your site.
- Post photos with school names, locations, license plates or signs.
- Post photos with the name of your sports team.
- Post sexually provocative photos.
- Respond to threatening or negative e-mails or IMs.

DO:

- Check the privacy settings of the social networking sites that you use.
- Set privacy settings so that people can only be added as your friend if you approve them.
- Set privacy settings so that people can only view your profile if you have approved them as a friend.
- Remember that posting information about your friends could put them at risk.
- Consider going through your blog and profile and removing information that could put you at risk.
- Delete any unwanted messages or friends who continuously leave inappropriate comments.
- Report comments to the networking site if they violate that site's terms of service.
- Save or print questionable activity and include date and time.
- Tell your parents or guardian if anything happens that makes you feel scared, uncomfortable or confused.

Source: www.2SMRT4U.com *(2SMRT4U campaign sponsored by The National Center for Missing & Exploited Children and the U.S. Postal Inspection Service.)*

If you shop online, look for indications that the Web site is secure before you enter a credit card or other personal data. (See *Top 10 Tips for Identity Theft Prevention* and *Protecting your Identity.)*

Computers, the Internet and Theft

The law prohibits:

- Pirating or downloading copyrighted material (such as music) without authorization. (PC § 502(c), 653h) Under federal law, criminal copyright infringement, including infringement without monetary gain, is punishable by up to five years in federal prison and a fine of $250,000.
- Accessing someone else's computer without authorization. *(PC § 502(a)(b)(1))*
- Devising and executing schemes to obtain money, property or services with false or fraudulent intent through a computer. *(PC § 502(c)(1))*
- Deleting, damaging or destroying systems, networks, programs, databases or components of computers without authorization. *(PC § 502(c)(4))*
- Disrupting or denying access to the authorized users of a computer. *(PC § 502(c)(5))*
- Introducing contaminants or viruses to a computer. *(PC §§ 502, 502(c)(8))*

If I meet someone online, what's the harm in sharing more about myself?

It may seem safe — and even easier than in person — to share your innermost secrets with someone via the Internet. Your new-found friend may seem to understand you better than anyone else. The problem is that you do not really know who is on the other end of the online conversation. Protect yourself. Avoid revealing personal identifying information, such as your name, where you live or where you go to school, to anyone you meet online. He or she may not be anything like the person portrayed in your online friendship — and may have dangerous motives in mind.

More information on Internet safety and sexual predators can be found at **www.missingkids.com** (the National Center for Missing and Exploited Children's Web site) and at **www.fbi.gov.**

I've seen some great deals and chances to win big on the Internet. Should I be skeptical?

Absolutely. Internet crime is increasingly common. The FBI received more than 200,000 complaints in 2007 alone. Victims report fraudulent Internet auctions, credit/debit card fraud, hit man scams, counterfeit checking scams and purchased merchandise that was never delivered. For more information on common types of Internet fraud and how to protect yourself, go to **www.fbi.gov**. Victims can file complaints with the Internet Crime Complaint Center (a partnership between the FBI, the National White Collar Crime Center and the Bureau of Justice Assistance) at **www.ic3.gov**.

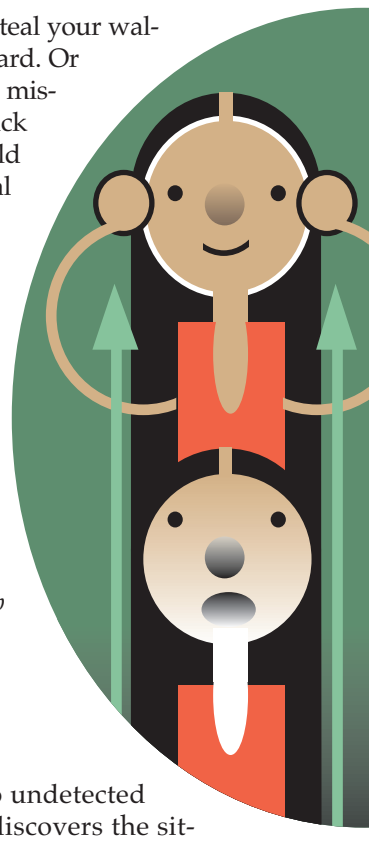
Can my boss legally monitor my e-mails and the Web sites that I visit while I'm at work?

Probably. You should not expect privacy when you use your workplace computer to send e-mails and surf the Internet. However, check with your employer regarding the privacy policy for your particular workplace.

protecting your identity

Identity theft — the use of someone's personal identifying data to commit fraud or attempt to do so — is the nation's fastest growing crime. (PC § 530.5) More than 8 million Americans fall victim to such theft annually at an enormous cost. By one estimate, such thieves pocket $15.5 billion a year. It can ruin your personal credit. And it can take hundreds of hours to undo the damage.

They may rummage through your trash, steal your wallet or "skim" encoded data off of your credit card. Or they may go "phishing" on the Internet (using misleading e-mails and fraudulent Web sites to trick you into revealing personal data). Or they could plant "spyware" software that collects personal information as it is keyed into your computer.



How can I protect myself against identity theft?

In today's society, there is no way to protect yourself completely. Personal identifying information is used routinely to access one's bank account, for example, or to apply for a loan. In some cases, you will be required to provide such information. Still, you can take certain steps to help avoid identity theft. For some tips, see the box below, *Top 10 Tips for Identity Theft Prevention.*

How do I know if someone is using my identity to run up bills?

Unfortunately, some identity thieves go undetected for long stretches of time. The victim only discovers the situation after an unsolicited credit card arrives in the mail or a debt collector calls about an unpaid — and unfamiliar — debt. Be sure to check your credit report at least once a year (see box below). If you have

Top 10 Tips for Identity Theft Prevention

1. ***Protect your Social Security number.*** Don't carry your Social Security card in your wallet. If your health plan (other than Medicare) or another card uses your Social Security number, ask the company for a different number.
2. ***Fight "phishing" — don't take the bait.*** Scam artists "phish" for victims by pretending to be banks, stores or government agencies. They do this over the phone, in e-mails and in the regular mail. Don't give out your personal information — unless you made the contact. Don't respond to a request to verify your account number or password. Legitimate companies will not request this kind of information in this way.
3. ***Keep your identity from getting trashed.*** Shred or tear up papers with personal information before you throw them away. Shred credit card offers and "convenience checks" that you don't use.
4. ***Control your personal financial information.*** California law requires your bank and other financial services companies to get your permission before sharing your personal financial information with outside companies. You also have the right to limit some sharing of your personal financial information with your companies' affiliates.
5. ***Shield your computer from viruses and spies.*** Protect your personal information on your home computer. Use strong passwords with at least eight characters, including a combination of letters, numbers and symbols, easy for you to remember, but difficult for others to guess. Use firewall, virus and spyware protection software that you update regularly. Steer clear of spyware. Download free software only from sites you know and trust. Don't install software without knowing what it is. Set Internet Explorer browser security to at least "medium." Don't click on links in pop-up windows or in spam e-mail.
6. ***Click with caution.*** When shopping online, check out a Web site before entering your credit card number or other personal information. Read the privacy policy and look for opportunities to opt out of information sharing. (If there is no privacy policy posted, beware! Shop elsewhere.) Only enter personal information on secure Web pages with "https" in the address bar and a padlock symbol at the bottom of the browser window. These are signs that your information will be encrypted or scrambled, protecting it from hackers.
7. ***Check your bills and bank statements.*** Open your credit card bills and bank statements right away. Check carefully for any unauthorized charges or withdrawals and report them immediately. Call if bills don't arrive on time. It may mean that someone has changed contact information to hide fraudulent charges.
8. ***Stop pre-approved credit offers.*** Stop most pre-approved credit offers. They make a tempting target for identity thieves who steal your mail. Have your name removed from credit bureau marketing lists. Call toll-free 1-888-5OPTOUT (567-8688).
9. ***Ask questions.*** Ask questions whenever you are asked for personal information that seems inappropriate for the transaction. Ask how the information will be used and if it will be shared. Ask how it will be protected. Explain that you're concerned about identity theft. If you're not satisfied with the answers, consider going somewhere else.
10. ***Check your credit reports — for free.*** One of the best ways to protect yourself from identity theft is to monitor your credit history. You can get one free credit report every year from each of the three national credit bureaus: Equifax, Experian and TransUnion. Request all three reports at once, or be your own no-cost credit-monitoring service. Just spread out your requests, ordering from a different bureau every four months. (More comprehensive monitoring services from the credit bureaus cost from $44 to over $100 per year.) Order your free annual credit reports by phone, toll-free, at 1-877-322-8228 or online at **www.annualcreditreport.com**. Or you can mail in an order form.

Source: *California Office of Privacy Protection / 1-866-785-9663 /* ***www.privacy.ca.gov***

not yet established a credit history, don't be alarmed if you initially receive "report not found." That should be good news. If, however, you find inaccurate information on your report, contact all three major credit bureaus:

- Experian: 1-888-397-3742 / **www.experian.com** (credit and fraud reports, security freezes)
- Equifax: 1-800-685-1111 / **www.equifax.com** (credit reports) 1-800-525-6285 (fraud alerts)
- TransUnion: 1-800-888-4213 / **www.transunion.com** (credit reports) 1-800-680-7289 (fraud reports, alerts) / 1-888-909-8872 (security freezes)

If you're an identity theft victim, you are entitled to receive one free copy of your credit report from each of these credit bureaus each month for up to 12 consecutive months. You can also put a security alert or freeze on your credit accounts. (CC §§ 1785.11.1, 1785.11.2, 1785.15)

What else should I do if I think someone is using my identity to get credit?

Take action immediately. For guidance, visit the Web sites of the California Office of Privacy Protection (**www.privacy.ca.gov**), the Identity Theft Resource Center (**www.idtheftcenter.org**), the Privacy Rights Clearinghouse (**www.privacyrights.org**) and the Federal Trade Commission (**www.ftc.gov**). You should file a police report, register a complaint with the Federal Trade Commission (FTC), fill out the FTC's ID Theft Affidavit, and contact all affected creditors. Also, you will need to send certain information to the businesses, banks and credit card companies where your identity was used to obtain credit.

consumer protection

Suppose you spent all of your savings on a new car — only to have it break down repeatedly. Or your new microwave oven failed to work the first day. Or the new watch given to you at your high school graduation has never told time. There are laws intended to help you — the consumer — protect yourself against unfair transactions and sales scams or when a newly purchased product fails to work.

What are some examples of consumer protection laws?

The *Federal Truth in Lending Act* requires lenders and credit card companies to tell you in advance what costs you will — or could — be required to pay for a loan or credit card. It also gives you three days to cancel a credit sale that took place in your home. And the sales person cannot twist or sugar-coat the terms of the contract. Home solicitation contracts or offers must be written in the same language that is used in the oral sales presentation. (15 USC § 1601 et seq.; CC §§ 1689.5-1689.8)

What happens if I buy a new car and it turns out to be a lemon?

Generally, there is no cooling-off or cancellation period for vehicle sales. However, if you buy a new car and it turns out to be a *lemon* — a car that repeatedly breaks down or has a substantial defect — you may be entitled to a replacement car or full refund. You must first notify the dealer and give him or her a chance to fix the car. But if the problem continues, you may notify the dealer that you are canceling the purchase and returning the car intact. (CC §§ 1793.22, 2982(r))

What are 'expressed' and 'implied' warranties?

They are two types of consumer warranties. An *expressed warranty* is a written contract that gives the manufacturer or dealer a reasonable opportunity to repair any defects in the merchandise. If the manufacturer or dealer is unable to fix the problem, the merchandise will be replaced or your money refunded. This applies to whoever owns the merchandise during the warranty period. If the manufacturer, distributor or retailer provides a warranty or product registration form/card to be completed by the consumer, it must inform the consumer that failure to complete and return the form/card does not diminish his or her warranty rights. (CC §§ 1791.2, 1793.1)

An *implied warranty* is not a written contract. It simply exists, by law, when the consumer purchases an item. In short, you have the legal right to expect that your new item will be "suitable" for what it was intended. A new watch, for example, should adequately tell time, not merely look nice on your wrist. If you buy something "as is," however, there is no warranty and no recourse if the item turns out to be defective. (CC §§ 1791.1, 1792 -1792.5)

What if nobody will listen?

There are local, state and national agencies set up to protect the consumer:

- ***Local consumer agency*** — check the telephone book under county government agencies.
- ***State of California*** — Department of Consumer Affairs Tel: 1-800-952-5210 (TDD-1-800-326-2297) / **www.dca.ca.gov**
- ***Federal*** — The Federal Trade Commission Tel: 1-877-382-4357 (TTY-1-866-653-4261) / **www.ftc.gov**

You might also consider filing a claim in small claims court if your loss is $7,500 or less. Generally, attorneys are not allowed to assist you in small claims court. However, you can consult with an attorney beforehand. (CCP §§ 116.221, 116.410(a), 116.530)

For information on filing a claim in small claims court, see the State Bar pamphlet ***How Do I Use the Small Claims Court?*** (Information on ordering the bar's pamphlets free of charge can be found below.) The state Department of Consumer Affairs also offers a no-cost guide that may help you understand the small claims court process. Or visit the California Courts online self-help center at **www.courtinfo.ca.gov/selfhelp**.

finding legal help

There may come a time when you need an attorney. To find one, ask a friend or business associate for a referral. Or, call a State Bar-certified lawyer referral service. For an online list of services, visit the bar's Web site at **www.calbar.ca.gov/lrs.** For a recorded message listing the phone numbers for such services in your area, call 1-866-44-CA-LAW (442-2529). From out of state, call 415-538-2250.

The State Bar also certifies "specialists" in nine legal areas. (Not all qualified attorneys seek such certification, however.) For more information on the specialist program, call 415-538-2120 or go to **www.californiaspecialist.org**.

If you do decide to hire a lawyer, make sure you understand what you will be paying for, how much it will cost and when you must pay the bills.

If you've been accused of a crime and cannot afford a lawyer, you may qualify for free help from the public defender's office or a court-appointed private attorney. In civil matters, individuals with little income may qualify for no-cost help from a legal services program. (California's legal services Web site — **www.LawHelpCalifornia.org** — can help you locate a program in your area.) Or maybe a law school clinic can help.

For more information on finding and hiring an attorney, see the State Bar pamphlets ***What Can a Lawyer Referral Service Do for Me?*** and ***How Can I Find and Hire the Right Lawyer?*** (Ordering information can be found below.)

Tired of Telemarketers?

Register your personal cell phone and home phone numbers with the "Do Not Call Registry" by calling 1-888-382-1222 toll-free or by visiting **www.ftc.gov**. (CC § 1785.11.8)

Looking for more information on the law?

We hope this guide will help you make this important transition into adulthood. For additional copies of ***When You Become 18: A Survival Guide for Teenagers***, see page 2. You can also order free copies of State Bar consumer education pamphlets touching on such topics as renting a home, employee rights and domestic violence. For a list of the available pamphlets and the online versions, visit **www.calbar.ca.gov**. Or order complimentary copies of pamphlets by sending an e-mail to **pamphlets@calbar.ca.gov**. If you do not have access to the Internet, call 1-888-875-LAWS (5297) for instructions on ordering by mail.

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When You Become 18

CALIFORNIA BAR FOUNDATION™

THE CALIFORNIA BAR FOUNDATION is proud to partner with the State Bar of California to educate young adults about their rights and responsibilities under the law. *When You Become 18* provides teenagers with valuable information to help navigate the exciting and sometimes daunting transition from childhood to adulthood. We hope that you will read this guide and share it with young adults, parents, teachers, and others as a helpful resource on issues important to today's teenagers.

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Warmest regards,

Scott Wylie, President
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