A Lassen Superior Court
Compass Program for Youth

LASSEN JUVENILE JUSTICE HANDBOOK

2018 - 2019

Diversion and Prevention
through
Accountability and Education

SPONSORED BY: LASSEN SUPERIOR COURT,
LASSEN TEEN COURT BOARD OF DIRECTORS,
LASSEN COUNTY JUVENILE JUSTICE COMMISSION

Dear Students,

Each of us involved in the Lassen Teen Court program hope that you, the young citizens of Lassen County, and your parents and teachers, will find the information contained in this handbook valuable. It is intended to accomplish more than simply conveying information concerning laws that affect you – it should help dispel misconceptions that often are shared among citizens about what the law is, and also reinforce the fact that you are citizens of our community possessing valuable rights and responsibilities.

The Superior Court "Compass Programs" including Teen Court and this school curriculum, are based on the belief that a successful future depends upon teens making good decisions. Experience has taught us good decisions make life more satisfying as opposed to bad decisions which lead to difficult and sometimes permanent negative consequences.

As you study, think about how the laws in our society that are brought about by citizens, just like you, keep all our lives safer. As you study the following pages you will better understand that knowledge of our state and local laws is helpful in making good decisions in your daily activities. Remember, ignorance of the law is no excuse for violating the law. Rights and responsibilities of a citizen in a free society are two parts of a whole. One cannot be effective without the other. In presenting this handbook, we do so with the belief that knowledge of the law helps you better understand your rights and enables you to better meet your responsibilities. We the leaders of our community feel that communication with you is a most important duty, as you are in the process of learning and growing into adulthood and will eventually be our community leaders.

This Juvenile Justice Handbook will answer many questions common among young citizens and their parents in Lassen County. We encourage you to share and discuss the contents of this handbook with your parents and guardians. While this handbook does not set out the laws themselves, the law is accessible on the internet or in the county law library. The handbook presents summaries of the law concerning young citizens. It is important to understand that the legislature constantly amends and revises statutes setting forth what the law is and enacts new laws annually, so the material in this handbook should be viewed as a general guide to the law. You should review the specific statutes referenced in the summaries that you may have a special interest or question.

We trust you will find this handbook both interesting and thought-provoking, and use it as a reference guide during your school years. If you have any suggestions or other topics that you believe should be included in later versions of the handbook, please feel free to contact me or stop by the Hall of Justice.

Tony Mallery
Presiding Judge of the Superior Court

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CALIFORNIA JUVENILE JUSTICE SYSTEM

WHAT ARE THE MAJOR COMPONENTS OF THE JUVENILE JUSTICE SYSTEM?

The juvenile justice system is made up of a number of agencies that deal with persons under age 18 who have committed crimes or who have been the victims of abuse or neglect. The Juvenile Court, which is part of the Superior Court, is charged with hearing most juvenile matters. Other major parts of the system include the Probation Department, the Welfare Department, the District Attorney's Office, the Public Defender's Office, and police agencies. Other agencies that may assist in juvenile cases include the Mental Health Department and the school system.

HOW ARE THE JUVENILE CASES ASSIGNED IN THE SYSTEM:

There are three broad categories of juvenile cases, each defined in the Juvenile Court Law, which is contained in the Welfare & Institutions Code of California. Children who have committed crimes come under section 602, and are subject to monitoring by the Probation Department. Children who are not committing crimes, but who are beyond the control of their parents or who are habitually truant come under the provisions of section 601. These cases are also managed by the Probation Department. Children who have been the subject of abuse or neglect come within section 300. These cases are handled by the Welfare Department's Family & Child Protective Services Department.

HOW THE JUVENILE SYSTEM WORKS: CRIMINAL ACTIVITY

ARREST OR CITATION BY POLICE:

The juvenile criminal case almost always starts with a citation issued by the police or a child is arrested for a crime. When the police come in contact with a minor suspected of committing a crime, the officer is given the discretion either to arrest the child or to release the child to the parents with a citation, much like a traffic ticket. The citation will require that the minor meet with the Probation Department at a time to be set by the probation officer assigned the case. The citation procedure is the most common method of starting the juvenile criminal case.

If the crime is too serious to release the minor, however, or if the officer has other reasons not to release the child, the officer is given the discretion to take the child into custody and book him or her into the Lassen County Juvenile Hall. Juvenile hall is a locked facility for the detention of minors. There must be a specific reason for such a placement, such as committing a serious crime, or violating a term of probation. Once taken to the juvenile hall, the child will be fingerprinted, photographed, and the parents notified of the arrest. After the juvenile hall intake, the probation officer will review the minor's record, if any, the circumstances of the crime, and discuss the situation with the parents. The intake officer has the discretion at that point to release the child to his or her parents for later appearance at the Probation Department or Court, or to continue his or her custody status in the juvenile hall.

REVIEW OF CASE BY PROBATION AND DISTRICT ATTORNEY:

Whether a case against a minor starts with a citation or an actual arrest, a report prepared by the police in connection with the crime comes first to the Probation Department for review. The probation officer responsible for the intake must make an initial determination of where the case will go next. If the charge is relatively minor, such as shoplifting or simple fighting, the probation officer can, but is not required to, institute an informal probation requiring the child to participate in some form of low level supervision by the Probation Department. Alternatives at the Probation Department review may include a brief counseling session with closure the file unless and until the child commits another offense; informal probation without court action; referral to the District Attorney for formal proceedings, or Teen Court.

1. Counseling and Closure. If the probation officer determines that the offense was mitigated and out of the usual conduct of the minor, the minor may be counseled and the matter ended, with the file only being reactivated in the event the minor again is referred to probation for further bad conduct.

2. Informal Probation. In this process the minor is required to observe good behavior for a period of six months, make restitution to any victim for monetary damage, possibly perform some community service, and, if deemed necessary, participate in a counseling program.

3. Teen Court. A minor who admits the crime charged, and is determined to be a person who would benefit from Teen Court by the Probation Officer, with the parent's consent, may participate in Teen Court. The Teen Court will conduct a trial to determine what punishment should be given for the offense. The prosecuting attorney and defense attorney, and the jury itself, are all composed of students. Discipline can include, among other possibilities, a fine, restitution, work projects, and community service. The minor will be required to serve as a Teen Court juror in at least two other minor's cases in the future and complete a class related to the offense. Upon the minor's success in completing all the assigned tasks, his or her case will be dismissed. Each sentence imposed by Teen Court must be carried out fully within 60 days.

4. Formal Proceedings. Certain cases are unsuitable for informal handling and require referral to the District Attorney for further prosecution in Juvenile Court. More serious crimes such as burglary, assault with a weapon, or robbery rarely will be handled informally regardless of the age of the person charged with those offenses. If the charge is a felony (the most serious of the three categories of crimes) and the minor is 14 or older, the law requires the probation officer to refer the case to the District Attorney. Mandatory referral is also required when the child has had a prior crime handled informally.

When cases are referred to the District Attorney for further prosecution, the district attorney assigned to Juvenile Court will review the police reports to determine whether a crime has been committed. Additional investigation can be requested as needed. If the District Attorney determines that no crime has been committed, or the case cannot be proved, the case is declined by the office for further action by the Probation Department or is closed. If it is determined that the minor has committed a crime, the District Attorney prepares a petition to declare the minor a ward of the Juvenile Court. The petition will include a statement of the charges against the minor.

PROCESS OF CASE IN COURT:

The Juvenile Court process can be divided into three main stages: detention hearings (to determine if the minor stays in custody during the Juvenile Court process); jurisdictional hearings (to determine if the minor committed the crimes charged); and disposition hearings (to determine the punishment if it is proven that the minor committed a crime). If the minor has been held in custody after his initial arrest by the police, the process will start with the detention hearing. If the minor has been released to the parents, the process still starts with the first jurisdiction hearings.

1. Detention Hearing. If a minor has been arrested and the police and Probation Department have determined that it would not be proper to release the minor from the juvenile hall to the parents, the law requires that within 48 hours of the minor's arrest (excluding weekends and holidays), the minor must be brought to Juvenile Court for a detention hearing at which the judge will determine whether child should be continued in custody or be released to the parents. In some cases the judge will order a temporary placement in foster care rather than the juvenile hall.

The minor will be transported by probation personnel to the court hearing from the juvenile hall. Also appearing at the hearing will be the parents of the minor, the District Attorney, and a probation officer. For security of the minor and safety of the public, minors are restrained with mechanical devices (such as handcuffs and ankle cuffs) at all times they are taken outside the juvenile hall. The detention hearing starts with the judge advising the minor of Constitutional rights the minor has concerning his or her charges. A minor has: the right to an attorney, and if the minor or the parents cannot afford to hire an attorney, one will be provided by the court at public expense; the right to a trial to determine guilt or innocence for the crime charged; the right to see and question (cross-examine) all witnesses called to testify at trial; the right to bring to the trial any witnesses or evidence that the minor thinks will help; and the right to remain silent. The judge also outlines the three main steps in the Juvenile Court process for the minor and the parents. The judge also is required to advise the minor of the specific charges filed against him or her.

In many cases the minor and the parents are unable to hire a private attorney. In such circumstances the court appoints the Public Defender or some other qualified attorney to represent the minor. Since the Public Defender has a regularly assigned attorney for Juvenile Court, the minor usually will receive immediate representation at the detention hearing. Many people are not aware, however, that the county has the right to collect the cost of the defense attorney services in all cases where the minor's parents have ability to pay the same. The next part of the hearing relates to the detention status of the minor. The probation officer will give a brief history of the minor regarding any prior record with the department and information regarding the family situation. The probation officer then will make a recommendation to the court regarding whether the minor should be retained in custody or released to the parents. The District Attorney may also give a brief statement about the circumstances of the crime, based on a review of the police reports, and take a position on whether the minor should continue to be detained. The minor, through the defense attorney, and the parents will be given an opportunity to comment on what should happen to the minor's custody status. After hearing all points of view, the judge must then decide if the circumstances warrant continued detention or if the minor can be returned home while the case continues through court.

Circumstances that frequently will result in continued detention are a history of runaway or beyond control behavior by the minor; violation of an existing court probation order; risk of leaving the county to avoid court; repeat offenses; or the minor presents a risk of injury to other persons or their property. If the decision is a close one, but the court determines that the minor appropriately could be returned

to his family, the minor may be released on “electronic monitoring,” “home supervision,” or “home arrest.”

- “Electronic monitoring” is where the minor wears an electronic device that cannot be removed, and that signals the police if the minor leaves his or her home.

- “Home supervision” is a program where a minor is allowed to return home during the court process, but under close supervision by the Probation Department. A set of rules is outlined by the judge governing the conduct of the minor and the duties of the parents as the case proceeds through court. These rules may include such conditions as a curfew (usually 5:00 p.m.), drug or alcohol testing, search and seizure, counseling, school attendance and performance requirements, and that the minor must obey the directions of the parents. Any violation of these rules usually will result in the minor being returned to the juvenile hall.

- “Home arrest” is where the parents agree that the minor will not be out of the family house unless personally in the custody of one of the parents, with other terms similar to probation supervision under “home supervision.”

2. Jurisdiction Hearings. The jurisdiction hearings have three phases: an initial arraignment, a pre-trial conference, and the trial.

If a minor has not previously been detained, but the District Attorney has determined to proceed with the prosecution, the minor will be mailed a notice of a hearing setting the matter for the first appearance in Juvenile Court. At the arraignment hearing, the court advises the minor of his or her rights and charges pending, and appoints an attorney in the same manner as the first part of the detention hearing discussion above. The court also sets the matter for a pre-trial conference, called a “continued first jurisdictional hearing.” The pretrial conference is held approximately two or three weeks after the arraignment hearing. The conference is attended by the minor’s attorney, the District Attorney, a probation officer and the Juvenile Court judge. The minor is required to appear at the court, but does not initially participate in the conference.

The minor’s case is discussed in terms of the evidence the prosecution has in support of the charges, the defense evidence of innocence or mitigating circumstances, and the past record of the minor. In the majority of cases, all of the parties agree as to a particular charge that is appropriate and the minor is prepared to admit.

It is important to understand, however, that neither the court nor the minor’s parents or attorney can force the minor to admit a crime that the minor did not commit. Although the minor’s attorney may recommend a certain course of action to the minor, the final decision to admit any crime must come from the minor. A parent cannot admit a violation on behalf of a minor child. If the minor admits an offense, the case is set for the disposition hearing. If the minor chooses not to admit any violation, the case is set for trial.

The trial in Juvenile Court is conducted in very much the same manner as adult trials, with a few important exceptions. First, the trial in a juvenile case is conducted by the court without a jury. The judge alone determines whether the minor has or has not committed the crime. As with adults, the minor is presumed innocent until their guilt is proved. Proof of guilt must be beyond a reasonable doubt. The procedure is somewhat less formal than in adult trials, and certain evidence can be admitted in less restrictive ways.

Second, unlike adult trials which are always open to the public, juvenile cases are normally closed to the public for the protection of the minor. The legislature has determined that in most instances the privacy of the juvenile and the family should be respected so that mistakes made as a minor are not carried into adult life by publicity. There are three important exceptions to the closed hearing rule. First, the minor can request that the session be open to the public. If a child wants an open trial, he or she can have one unless the judge finds other reasons for privacy, such as the interest of minor victims of certain crimes. Second, the legislature has created a list of certain kinds of cases where a minor's case will be open to the public, even though the minor would choose to have closed sessions. Such cases generally involve crimes of violence such as murder, robbery and rape. Third, in certain instances the law provides that a minor should not be handled in Juvenile Court at all, but should be tried in the normal adult system. The process of certifying a minor to adult court is discussed later in these materials.

3. Disposition Hearings. The final stage of the juvenile process is the disposition hearing, held only if the minor has admitted a crime or a crime is proven at trial. The disposition hearing is the equivalent of "sentencing" in the adult court. The hearing is designed to determine the most appropriate way of holding the minor accountable for bad conduct and to prevent future violations of the law. To assist the court in the process, the probation officer prepares a written report, called a "social study." The social study will contain a brief statement of the offense; the minor's record; a report from the school; a social history of the family; a section with comments from the victim, the minor, the minor's parents, and anyone else with relevant information such as an employer or relative. The court is required to adopt a disposition that is the least restrictive or intrusive into the family that will ensure public safety, rehabilitation of the minor, and consistent with the goal of prevention of further criminal activity.

POSSIBLE CONSEQUENCES FOR JUVENILE CRIME

1. Informal Probation. The lowest level of intervention is informal probation. Under this approach, the court simply refers the minor back to the Probation Department for an informal handling. The options available to the Probation Department would be the same as discussed previously, had the case not been referred to the court in the first instance. The probationary period is six months. If the minor re-offends during the period of informal probation, not only will he or she stand trial on the new violation, but the case that was referred to informal handling may be reactivated in court as well.

2. Formal Probation without Wardship. This is designed for first time offenders who are not appropriate for informal probation. Participants are assigned to a probation officer for intensive supervision, counseling and treatment programs. Charges are dismissed at a 6-month review if all probation terms are satisfied. The term "ward" means a minor who has committed a crime and has been taken into the control of the court, *in loco parentis*, - in place of the parent. The court has complete control of a minor who is a ward, including determining where the minor shall reside.

3. Wardship with the minor placed on probation in his home. A majority of cases result in the minor being declared a ward of the court, but returned to the family home on terms of probation. The court determines that the offense requires a higher level of intervention than offered by informal probation, but the best interests of the minor dictate that he or she remain in the home and under the general control of the parents. The terms of probation will be tailored to meet the needs of the minor and family and to hold the minor accountable for the violation. Standard conditions of probation will include therapeutic measures such as counseling for psychological problems, substance abuse, and family problems. Other measures frequently used are school attendance requirements, a curfew, non-association with people deemed inappropriate by the Probation Department or parent, and restrictions on gang related activity. If damages have been caused to the victim, restitution will be required. The court also imposes a number of directly punitive measures such as fines, work project hours, community service hours or juvenile hall time. Every ward is required to report into the probation department offices on a periodic basis.

4. Wardship with the minor placed out of the home. In certain instances the court determines that the minor has problems that cannot effectively be treated while the minor is in the home. The court also on occasion determines that the parents or guardians are not properly controlling the minor, and that someone with the needed skills should be in charge of the daily life of the minor. If the minor has severe psychological problems or an extensive history of substance abuse, a group home specializing in these problems may be selected as the place where the minor will reside. If the family home is found ineffective, a foster placement with a licensed family will be designated as the place where the minor will reside. In these cases the court will order the parents or guardian to take classes specifically designed to educate them on proper guidance of minor children. Placement in these programs can be for a few months or in excess of a year, depending on the progress of the minor in the program and conditions of the family home. The usual placement is at least six months.

5. Ranch or camp placement. Ranch or camp programs generally are a minimum of six months and may last up to a year or more. The components of the programs include intensive family and personal counseling. Other attributes of such programs are: boarding in dormitory-like facilities; on-site schooling; work projects; and group discussions. No such program, however, will accept a minor who is taking prescribed *psychotropic* (mind altering) medications, so otherwise eligible minors may sometimes be placed in juvenile hall behavior modification programs instead of a ranch or camp because he or she is on such medication.

For those boys and girls who have been unsuccessful on probation, the court can order placement in a “boot camp” program for intensive behavior modification. Such programs are distinguished from ranch and camp placements by the level of security and approach to rehabilitation employed by the staff. All of the programs have strict conduct requirements and are based on the military experience, with wearing of uniforms and military-like bearing and conduct being required. Privileges are given students who work effectively in each type of these programs, and consequences are imposed for inappropriate behavior. After graduation from a program, the minor is continued under the supervision of the probation department for a time to assure compliance with the law and a stable family situation. Sometimes, minors conclude that refusal to cooperate will cause a termination from the program and return home. Such thinking always leads to disappointment, since the result of such conduct is progressive placement in ever more restrictive programs and, ultimately, the last resort of commitment to the California Department of Corrections and Rehabilitation Division of Juvenile Justice. Most minors who successfully complete a camp or ranch program return to the community with a good understanding of their responsibility and accountability to the public and themselves, and find success in staying crime-free.

6. Division of Juvenile Justice (DJJ) (renamed in 2005 from California Youth Authority (CYA).) If the previous placements fail, or the minor’s crime is of such a serious nature no alternative is available, the final placement option available to the court is the Division of Juvenile Justice (DJJ). The Division of Juvenile Justice has a number of institutions and camps located throughout the state. These facilities are designed to handle the most uncooperative and most serious youth offenders. Each has a variety of treatment, education and vocational programs. A minor sent to DJJ is not automatically released upon reaching the age of 18 – the Division of Juvenile Justice can keep a minor up to age 25 where the circumstances are appropriate. Commitment to the DJJ can be for up to several years, up to the maximum time that could be imposed on an adult for a similar crime, and the date and terms of release are determined by the Division of Juvenile Justice, not the local judge. Almost all minors (even those who have passed their eighteenth birth) are released on “parole,” which means a violation of the terms or commission of another criminal offense will automatically return them to DJJ custody.

7. Length of Jurisdiction of the Juvenile Court. The Juvenile Court has jurisdiction over a minor until age 21, or in certain more serious cases, until the minor is 25. If the minor performs well on probation, however, the Probation Department may request that the court end jurisdiction earlier. Unless there are recurring problems the term of probation for most misdemeanor offenses is six to eighteen months; for felonies, the term is usually eighteen months to three years, or more with certain crimes.

JUVENILES TRIED AS ADULTS

The People of the State of California have decided by the voter initiative process (Proposition 21) that a District Attorney can file charges against a minor for certain very serious crimes directly in the adult court, and the minor be treated as an adult in all of the court proceedings and sentencing.

Under the law prior to Proposition 21, the initial charges are filed in the Juvenile Court and under certain circumstances the law allows the District Attorney to request the Juvenile Court to transfer ("certify") a case to the regular adult criminal justice system, even though the crime was committed by a minor. (W&I Code 707) The decision to transfer a case will depend on such factors as the age of the minor, the nature of the crime committed and the degree to which the minor is suitable for handling by the juvenile justice system. The law takes the position that the Juvenile Court should not be available to those minors who commit dangerous or violent crimes, or who appear to be too criminally sophisticated for handling by the relatively informal juvenile system. One quite surprising to many result of this process is that a minor may be tried in adult court, and sent to State Prison to be housed with all other adult criminals.

In order to be "tried as an adult," a minor must be at least 14 years old at the time the offense was committed. Any crime committed by a minor between the ages of 14 and 18 has the potential of being referred to adult criminal court. Whether a particular minor is certified will greatly depend on the nature of the crime committed. With serious crimes, in order for the minor to be sent to adult court for trial, the District Attorney must prove that the minor is not fit under at any one of the following factors:

1. The degree of criminal sophistication shown by the minor.
2. Whether the minor can be rehabilitated during the time the Juvenile Court has jurisdiction over the minor.
3. The minor's delinquent history.
4. Success of previous attempt to rehabilitate the minor.
5. The circumstances and gravity of the crime committed.

With certain crimes, however, the process is changed completely around. If the crime is of a violent or dangerous nature, the law presumes that the minor is not suitable for Juvenile Court unless the minor proves that he or she qualifies for Juvenile Court under all the five factors listed above. Crimes to which this process applies include murder, robbery, sex offenses committed by force, assault with a firearm, shooting at an inhabited dwelling, and any felony where a weapon was used.

If a minor is certified as an adult, the case is transferred to the regular adult criminal system. All the proceedings are open to the public. The trial is by jury instead of by the judge without a jury. If convicted, as mentioned above, the minor

is subject to all the punishments available to an adult who commits the same offense.

If a minor commits any felony after age 16, and then commits certain serious crimes of violence such as murder, certain forcible sex offenses or when the minor personally uses a firearm, the District Attorney may file the new charges directly in adult court without having to obtain the permission of the juvenile court.

JUVENILE TRAFFIC COURT

Minors who are charged with traffic offenses will be required to appear in the Probation Department before a Traffic Hearing Officer. The minor will be entitled to a trial if the citation is contested.

If the minor admits the citation, or is found by the judge or hearing officer to have committed the violation, the minor can be ordered to pay a fine, have driving privileges suspended or restricted, be required to do a certain number of hours on a community work project, and can be placed on probation for up to six months.

Very serious or repeat violations may result in the matter being referred to the Juvenile Court to have the minor declared a ward of the court.

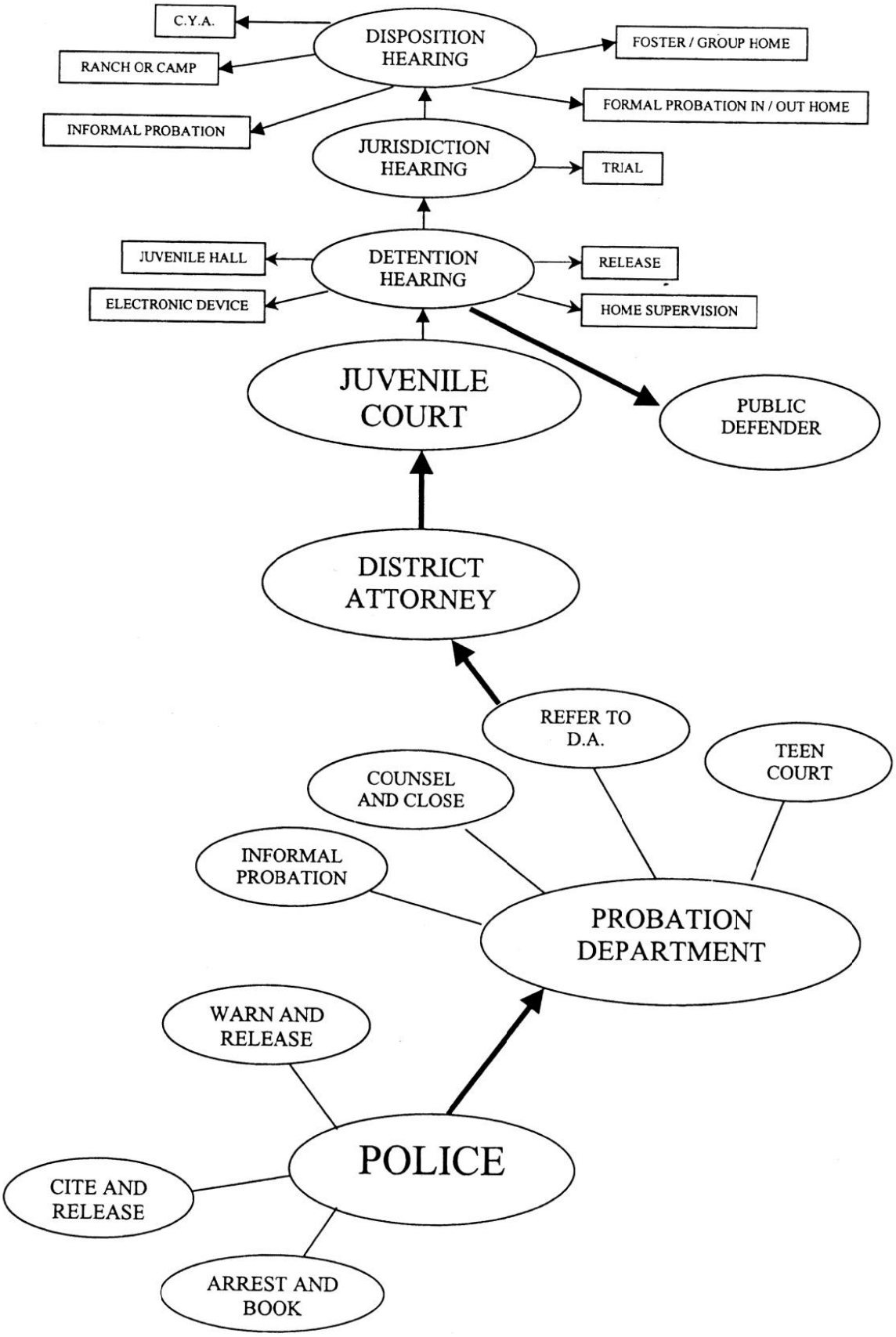
SEALING OF JUVENILE RECORDS

The law provides a means by which most juvenile records can be ordered sealed by the Juvenile Court (W&I Code 781). A minor who has gone through the Probation Department or the Juvenile Court in connection with an offense may request the Juvenile Court to seal his or her record after the minor has reached 18 or has been off probation for at least five years. The sealing is not automatic. The minor is required to show that he or she has not been later convicted of any felony offense or any misdemeanor offense involving moral turpitude. The minor also must show the court he or she has been rehabilitated.

The Probation Department will assist persons in making the application to the Juvenile Court; there is a nominal charge for this service. If the petition is granted, the minor truthfully may say on most employment applications that he or she has never been convicted of any offense. This procedure has been designed to allow the person who has made a mistake as a minor, but who has straightened his or her life and conduct out, to avoid having the problem follow them into adult life.

There are a number of restrictions on the right to seal records. The provisions for sealing, for example, do not apply to most Vehicle Code violations. Under certain circumstances law enforcement may access the sealed records to show that the

minor had a prior conviction for the purposes of statutes such as the Three Strikes Law or other crimes for which the punishment is enhanced due to prior criminal conduct. A general understanding of this rather complex area of the law would be that minor crimes committed while a minor will be unknown in the future, but more serious crimes may be open to consideration if the minor commits another offense after turning eighteen years of age.


C.Y.A.
DISPOSITION HEARING
FOSTER / GROUP HOME
RANCH OR CAMP
FORMAL PROBATION IN / OUT HOME
INFORMAL PROBATION
JURISDICTION HEARING
TRIAL
JUVENILE HALL
DETENTION HEARING
RELEASE
ELECTRONIC DEVICE
HOME SUPERVISION
JUVENILE COURT
PUBLIC DEFENDER
DISTRICT ATTORNEY
REFER TO D.A.
TEEN COURT
COUNSEL AND CLOSE
INFORMAL PROBATION
PROBATION DEPARTMENT
WARN AND RELEASE
POLICE
CITE AND RELEASE
ARREST AND BOOK

HOW THE JUVENILE SYSTEM WORKS:
BEYOND CONTROL CHILD

(Section 601 Cases)

Minors who are not committing crimes and who are not the victims of abuse or neglect, but who are beyond the control of their parents or are habitually truant come within the provisions of section 601 of the Juvenile Court Law

BEYOND CONTROL CHILDREN

Children who are beyond control of their parents, either as a runaway child or not doing what is requested of them by the parents, can be subjected to intervention by the Probation Department and Juvenile Court. Most of the efforts to control these kinds of situations are done by the Probation Department on an informal basis. Contact usually is initiated by a frustrated parent who can no longer control the minor. The Probation Department can offer some assistance through informal counseling or referral to qualified family counselors in the community. If the problems become very severe, the Probation Department may file a petition with the Juvenile Court to declare the minor a ward of the court. The court would then be in a position to order various forms to counseling in an effort to keep the family intact, or, if necessary, place child in a foster or group home while reunification services are offered. Minors who violate such court orders are subject to being charged as a “602” criminal violator, since it is a misdemeanor violation under the Penal Code to willfully violate a valid court order.

HABITUALLY TRUANT CHILDREN

Minors who are habitually truant also can be declared wards. Extensive intervention by the school authorities, including the School Attendance Review Board (S.A.R.B.) usually will have been exhausted before the matter is referred to the Probation Department for further action. If informal services prove ineffective, the District Attorney can file a petition requesting Juvenile Court involvement.

If it is determined that the parents are causing or contributing to the truancy of the minor, the law provides that a criminal action can be filed against the parents.

Children who are declared habitually truant by the school system and who are made wards under section 601 are usually placed on court probation with orders that they attend school and have no “tardies” in their attendance. Further sanctions include that the minor may have his or her driving privileges suspended by the Juvenile Court for up to one year. If the child does not yet have a license, the court can deny the ability to obtain a license for up to one year. If such a ward continues to be truant in violation of the court orders, the minor can be detained in the juvenile hall for five days for each violation.

HOW THE JUVENILE SYSTEM WORKS: CHILDREN AS VICTIMS

(Section 300 Cases)

Children who become the victims of abuse or neglect from family members or guardians come within the provisions of section 300 of the Welfare and Institutions Code (they are then called “dependents” of the court, which acts *in loco parentis* for the child) and are under the supervision of Child & Family Services, a division of the Health and Social Services Department. As with cases involving children who commit crimes, the law requires that the juvenile system use the least intrusive means of dealing with situations of abuse or neglect. In such cases, called “dependency” cases, every effort must be made to restore safety and keep the family intact before the child is removed from the custody of the parents.

Cases involving abuse or neglect frequently start with a referral to the Child & Family Services (CFS) from a child, concerned relative, neighbor or school official. The law contains strict reporting requirements whenever therapists, law enforcement or school personnel learn of situations involving suspected child abuse. CFS intervention also occurs on a voluntary basis by parents who find themselves in situations where they cannot adequately take care of their own children.

Whether the referral comes from within or outside the family, CFS is required to investigate the circumstances of the suspected abuse or neglect in order to determine if there is abuse, and, when found, the most appropriate level of intervention. Many cases are closed at intake after the initial investigation. This will occur when the personnel determine that the complaint is unfounded or the family is taking adequate steps to remedy the reported problem. If the complaint is well founded and not quickly remedied, CFS will initiate one of the levels of intervention discussed below.

FAMILY MAINTENANCE AGREEMENTS

The first level of active intervention is through a “family maintenance agreement.” Such an agreement is used when CFS determines that the child may safely remain in the custody of the parents, but the family needs a low level of intervention to help solve the problems that led to the referral. The agreement is in the form of a written contract between the parents and CFS, where the parents agree to do certain things, such as obtain counseling or not use physical punishment upon the child. CFS agrees to provide certain services, such as counseling, respite care, or other support services.

These family maintenance agreements are designed to last six months. If the services solve the problem, the matter is closed. If, however, the problems continue or the parents fail to follow the contract, CFS may move the case into the next level of intervention.

JUVENILE COURT DEPENDENCY PROCEEDINGS

If Child & Family Services has determined that a family maintenance agreement has failed to achieve the desired results or if the circumstances of abuse or neglect are too serious to allow for informal handling, CFS will file a petition with the Juvenile Court requesting that the child be declared a dependent of the court. Just as with cases involving children who commit crimes, the court process in dependency cases has three main phases: detention hearings, jurisdiction hearings, and disposition hearings.

1. Detention hearings. If the CFS determines that a child is at great risk of harm if the child remains with the parents, the Department may detain the child in protective custody, either with a suitable relative or in foster care. Situations of detention can arise with emotional, physical or sexual abuse of the child; abandonment of the child by the parents without means of adequate care or support; or even risk to a child because of reported abuse of a brother or sister.

If a child is detained, the law requires that the matter be brought before the Juvenile Court within 48 hours (excluding weekends and holidays) for a detention hearing. The main purpose of the detention hearing is to determine whether the child should not be returned home, and, if so, where the child should live on a temporary basis while the case goes through court. Appearing at the hearing will be the CFS, an attorney representing the Health & Social Services Department, and the parents. The child may attend the hearing if he or she desires. The parents are advised of their right to an attorney, including a court appointed attorney ; the right to a trial before the judge; the right to see any witnesses called at the trial and to offer any witnesses or evidence the parents feel might help their case; and the right to say nothing, and to require CFS to prove the petition true. An attorney is usually appointed for the parents and in most cases for the child. The court also reviews the petition with the parents so that the parents understand what is being said against them. The judge also explains the various steps in the court process.

The court then reviews the circumstances of detention to determine whether the child should be returned to the parents, placed with a relative or continued in detention with a suitable foster home. Before the child can be continued in detention, the judge must find that given the circumstances of the case reasonable efforts have been made by the CFS to avoid the need to take the child out of the home.

2. Jurisdiction hearings. The jurisdiction hearings have three potential phases: initial arraignment, a pre-trial conference, and a trial.

If the child has not previously been detained, but CFS has determined to proceed with the petition, the parents will have been sent a notice to appear in Juvenile Court. At the first appearance, the court advises the parents of their rights and of the nature of the petition, appoints an attorney if requested and sets the matter for a pre-trial conference.

The pre-trial conference is held within a few weeks of the first appearance. The conference is attended by the attorneys for the parents and child, CFS and the judge. Most cases resolve at this conference where everyone can come to an agreement as to the nature of the problem in the family. It is important to emphasize that a parent cannot be forced to admit a petition to be true. If the petition is not admitted, the case is set for trial.

The trial in a dependency case is held by the court sitting without a jury. Unless the parents choose otherwise and the judge finds the same would not be detrimental to the child, the proceedings are never open for public viewing. Child & Family Services has the obligation to call witnesses sufficient to establish the truth of the charges in the petition. The parents have the opportunity to cross-examine the witnesses and present any evidence or witnesses which they feel helps their case. If CFS presents insufficient evidence to support the petition the judge dismisses the petition for lack of evidence, and the case ends at this point. If the petition is found to be true, the case is set for a disposition hearing.

2. Disposition hearings. The final stage of the Juvenile Court process is the disposition hearing. At that hearing the court is required to adopt a plan to deal with the problems presented by the family. A report is prepared by CFS which is designed to advise the judge of the history of the family, what efforts have been made to solve the family problems prior to the court becoming involved, and a recommendation for the treatment plan. The court is required to adopt a plan that is the least restrictive or intrusive to the family and, if at all possible, keeps the child in the home.

4. The usual options for the court where dependency can be established by the court are:

A. Family maintenance: The Court has the right to send the matter back to Child & Family Services for informal handling through a family maintenance agreement discussed above.

B. Dependency: In most cases the court establishes some form of formal dependency with the child in the home of the parent, with a relative or in a foster home. If the child remains in the home, the court will order that the parents participate in various services, such as counseling and parenting classes, to help solve the family crisis. If the child is placed with a relative or in a foster home, the court is required to develop a reunification plan which is designed to provide services to bring the family back together. If a child has severe emotional or substance abuse problems, the minor may be placed in a group home specializing in the treatment of these problems.

If the child is placed out of the home, the case must be reviewed every six months to determine if everything possible is being done to correct the problems and

return the child to the parents. If the child remains out of the home for 12 months, the court must adopt a permanent plan for the care of the child. Sometimes the court can extend the period to 18 months if good reasons exist for more time and the judge thinks reunification can be accomplished within the additional six months. The permanent plan can be long term foster care. Such an approach is taken where there is no hope of reunification and there are no immediate relatives willing or able to assume the parental role on behalf of the child. The parents frequently maintain a somewhat distant role in the child's life. The final alternative is a termination of the parent-child relationship and the placement of the child for adoption with a new family. This alternative is used most frequently in cases involving very young children.

FAMILY LAW

EMANCIPATION

WHEN AM I FREE FROM MY PARENTS' CONTROL?

When you reach the age of 18, marry with permission of the Superior Court and your parents before the age of 18, or enter the military you become free from your parents' custody and control. You are also treated as an adult and assume the responsibilities of an adult. Generally, you will have all the rights and privileges of adulthood, except selling, buying or drinking of alcoholic beverages or using tobacco. You must attend school until the age of 18 unless you graduate at a younger age. You may also become free from parents' control if an action is brought for the purpose of having you declared free from the custody of either or both parents, and the court determines that:

1. Your parents have abandoned you for a period of 6 months or more.

2. Your parents have been shown to be under a disability due to alcohol or drugs, or mental illness.

3. Your parents have been convicted of a felony and also have been shown to be unfit as parents.

4. You have been cared for in a foster home for one year.

AS A SINGLE PERSON UNDER THE AGE OF 18 IS THERE ANY OTHER WAY I CAN BE FREE OF MY PARENTS' CONTROL?

It is also possible for you to be legally emancipated (free of parental control before the age of 18) if the Superior Court declares you emancipated. For this to occur you must petition the Lassen Superior Court for a hearing. You must show that:

1. You are at least 14 years of age.

2. You are willingly living apart from your parents or guardian with their consent.

3. You have a legal source of income.

4. You are managing your own financial affairs.

To apply for an emancipation hearing, you can consult with a lawyer, or act as your own lawyer. The court requires a Probation Department investigation before acting on your petition to be emancipated, and must find good reasons to reach that decision.

MARRIAGE

WHEN CAN I GET MARRIED?

When you are 18 or over; or under 18 if you meet all of the following requirements:

1. You have the consent (approval) of one or both of your parents in writing.

2. The Superior Court of the county in which the marriage license is to be obtained issues an order granting permission.

3. As a condition of granting the order the court will require that you have met with a marriage counselor or minister and have an investigation and report prepared by Family Court Services.

CURFEW

WHAT IS CURFEW?

Curfew is a time of the day after which a minor cannot be out on the streets without lawful business (such as traveling to and from work or school.) Most curfews are after 10:00 p.m. and before daylight or 6:00 a.m. In Susanville the curfew is 11:00 p.m., and in all other places in Lassen County the curfew is 10:00 p.m.

PARENTS' RIGHTS AND DUTIES

HOW ARE MY PARENTS RESPONSIBLE FOR ME? WHAT ARE THEIR RIGHTS AND DUTIES?

Generally your parents maintain custody and control over you until your 18th birthday. There are exceptions such as your marriage, court ordered emancipation or removal from your parents' custody (such as adoption or placement in foster care or a group home.) Your parents must shelter, discipline, feed, and protect you. They cannot abuse or abandon you.

Your parents may be liable for your actions which cause injury or damage to another person or property. (See discussion under Tort Liability for further information.)

CAN MY PARENTS SPANK ME?

Yes. Custody includes the right to discipline you, which can include reasonable and non-injurious physical contact, such as spanking. They may be strict with you, as long as they do not endanger your health and welfare or cause injury beyond temporary pain or discomfort when punishing you.

DO I HAVE TO LIVE WHERE MY PARENTS SAY?

Yes. If your parents are divorced the parent having custody has the right to determine where you live.

DO MY PARENTS HAVE A RIGHT TO MONEY I EARN?

Yes. Since they take care of you, they are entitled to the services and earnings of their minor children to use for household expenses or your care. However, parents may give up their right to your earnings if they want to or if you become married or emancipated.

WHAT IF SOMEONE LEAVES ME MONEY OR PROPERTY?

Your parents have no right to take that, unless a court orders them to use the money to help with your support or education. A guardian must be appointed to receive and manage the property. If you have been left money or property by a relative or another and your parents took possession of it, and you are concerned about what has happened to it, you can contact the Superior Court and explain the circumstances. Normally, the court will have a court investigator to protect your interests.

CAN MY PARENTS CONTROL GIFTS GIVEN TO ME?

Yes. In some situations if they feel the gift would pose some danger to you or if they are temporarily restricting your use of the gift as discipline. You continue to maintain ownership, but your parents can maintain possession until you are 18.

CAN MY PARENTS OPEN MAIL ADDRESSED TO ME?

Yes. Parents have control over and can accept delivery of their children's mail. (U.S. Postal Service Domestic Mail Regulations, Sec. 1 53.22)

CRIMES

WHAT IS A CRIME?

A crime is doing something that the law says you are not to do, or not doing something the law says you have to do, and sets forth a punishment where you can be fined, jailed, or imprisoned for a violation of the law. (The difference between “jail” and “prison” is that confinement in a county facility is “jail” and in a State facility is “prison.”) It should be noted that a “crime” is committed against society as a whole and not just against its direct victim. “Crimes” are prosecuted by the District Attorney on behalf of “The People of the State of California.”

ARE ALL CRIMES THE SAME?

No, there are three types of crimes:

FELONIES are the most serious crimes and can result in commitment to state prison for one year or more, up to life. For a minor, the commitment is to the Division of Juvenile Justice. Felonies also include crimes punishable by the death penalty.

MISDEMEANORS are less serious crimes which cannot result in confinement in state prison, but can result in commitment to the county jail for not more than one year, or with minors in the Juvenile Hall.

INFRACTIONS are the least serious violations of the law and do not result in jail time, but for which one can be fined. An example of an infraction is a traffic ticket, for which you can be required to pay a fine. Some infractions may result in the suspension or restriction of one’s license, and for juveniles, the imposition of certain terms of probation, such as drug testing.

Many offenses originally filed by the prosecutor as a felony may be treated by the court as either a felony or a misdemeanor, depending on the particular circumstances of the crime.

Under no circumstances can a juvenile be confined for more time than an adult would serve for the same crime. Juveniles are sent to juvenile hall instead of county jail, and except under very rare circumstances, are sent to the Division of Juvenile Justice rather than state prison.

JUVENILES AND THE “THREE STRIKES” LAW

The “Three Strikes” law was enacted as a system to punish repeat offenders. The law requires that persons who have previous convictions for serious or violent crimes be sent to prison for longer periods of time than if they had no prior convictions. Examples of serious or violent crimes might be residential burglary or assault with a deadly weapon. If a person was convicted of a crime with a sentence of no more than three years, but had a previous “strike” conviction, that person would automatically be subject to a maximum six year sentence because

the current conviction would be his/her second strike. A person convicted of a serious or violent felony and having two previous “strike” convictions would be facing a 25 year to life sentence because this current conviction would be his/her third strike. Only adults may be punished under this tough sentencing law. It is important to understand, that under normal circumstances, if a juvenile is convicted of one of these serious or violent crimes, then that conviction would qualify as a “strike” and would be used in sentencing if they were convicted of another qualifying crime after they became an adult. If a person has two or more juvenile “strikes” and commits a serious or violent felony as an adult, that person could face a 25 year to life sentence as an adult.

GUNS AND OTHER WEAPONS

WHAT IS A DANGEROUS WEAPON?

A “dangerous weapon” can be any object that is dangerous to life and by its use is likely to inflict a serious or fatal wound. Commonly, people think of a firearm and knife in this regard, and they are definitely dangerous weapons. However, other items have been determined by courts to be dangerous weapons even though not usually thought of as weapons. An object does not have to be manufactured as a weapon, such as length of steel pipe, but is identified both by its being adaptable to use as a weapon, and the fact of its use as a weapon. For example, a pair of scissors is considered a deadly weapon if it is used as a stabbing instrument.

The law says that:

1. Penal Code Section 19910 prohibits the sale of any BB gun to a minor. This offense is a six month misdemeanor.

2. Penal Code Section 19915 prohibits persons from furnishing any BB gun device to any minor without the express or implied permission of the parent or legal guardian of the minor. This offense is a six month offense.

3. Penal Code Sections 29610/29615 state:

A. A minor may not possess a pistol, revolver, or other firearm capable of being concealed upon the person unless he or she has the written consent of his or her parent or legal guardian or unless he or she is accompanied by his or her legal guardian, while he or she has such a firearm in his or her possession.

B. A minor may not possess live ammunition unless he or she has the written consent of his or her parent or legal guardian, except while going to or from an organized lawful recreational or competitive shooting or lawful hunting activity.

Every minor who violates one of these laws for the first time can be placed in a juvenile hall for six months, and for a second offense, one year.

4. Penal Code Section 25400 prohibits the carrying of concealed firearm on one’s person, as well as concealed within any vehicle which is under his or her control or direction. Punishment for this offense may be a fine up to $1,000 and jail, or

juvenile hall for a minor, for up to one year for a misdemeanor and a sentence of up to three years for a felony conviction of this crime.

5. Penal Code Section 25850 prohibits the carrying of a loaded firearm on one's person or in a vehicle while in a town or incorporated city, or upon a public highway. Punishment for this offense is one year in custody.

6. No person may legally have blackjacks, sling shots, billies, nunchakus, sandclubs, sandbags, metal knuckles, certain knives (dirks or daggers), or certain folding knives with the blade locked open. These can be taken away and destroyed by the police. Possession of one of these items is a crime. Punishment for such an offense can be confinement for up to three years in state prison.

7. No person may legally make metal knuckles. (PC 21710/21810)

8. No one may legally carry, sell, lend, or give away a switchblade knife, a "gravity" knife, or similar type knife, if the blade is over 2 inches long. (PC 21510)

9. It is against the law to bring or possess any firearm, dirk, dagger, knife having a blade longer than 2 ½ inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser or stun gun, onto the grounds of or within any school. (PC 626.10)

10. If a person uses a gun (firearm) in the commission of a crime, he or she will be punished for the particular crime and receive extra punishment for the gun, which is a minimum of two additional years in prison. The punishment for use of a gun varies with the seriousness of the crime and how the gun was used. Use of a gun under certain circumstances will result in a life sentence.

There are many other laws related to weapons too numerous to include in this booklet. If one is interested in all the other laws he or she should refer to the California Penal Code in the sections 16000-17360; 17500-19405; 19910-23025; 23500-34370.

WHAT IF I CARRY A GUN OR OTHER WEAPON TO SCHOOL?

It is a felony to bring a stun gun, a BB gun, a pellet gun, or a paintball gun onto school grounds. It is also against the law to carry a firearm within 1,000 feet of school grounds.

WHAT IF I CARRY A WEAPON JUST TO THREATEN OR SCARE SOMEONE?

It is against the law to threaten anyone with a deadly weapon. Such a crime is a felony and considered quite serious. It is also true that a person who is threatened with a deadly weapon often is justified in using deadly force to protect himself or herself, so such an act is very unwise. Unlike the movies or certain video games, any use of a weapon upon another, or threat thereof, can have tragic results.

ARE THERE ANY LAWS ABOUT WHERE I CAN OR CANNOT SHOOT?

You cannot shoot any firearm from, upon or near a public road or highway. It is also against the law to shoot a firearm at any house, vehicle, building or aircraft. Most cities prohibit shooting any firearm within city limits. One always should respect the persons and property of others, as well as the lawful authority of schools, law enforcement and our parents.

OTHER OFFENSES WHICH WILL RESULT IN COURT PROCEEDINGS

There are many laws that apply to all persons which result in being brought before the court to face criminal charges, they are too numerous to list, but some of the more common include:

1. Assault. The threat of physical harm to another. (PC 240)

2. Battery. Willful and unlawful use of violence or force on another person. (PC 242)

3. Theft. Taking of property with or without force. (PC 484-488)

4. Burglary. Unlawful entry of cars, homes, or businesses with the intent to commit a felony or theft. Residential burglary is called “First Degree” and carries severe punishment, all others are called “Second Degree.” (PC 459)

5. Being drunk in public or creating a disturbance in public by loud noise or fighting. (PC 647f and 415)

6. Receiving stolen property, when you know it was stolen or you should have known it was stolen, such as buying an otherwise expensive item from someone who has no documentation of his or her ownership for very little money. (PC 496)

7. Setting fires intentionally or through negligence (called “Arson”.) (PC 451 and 452)

8. Destroying property. Vandalism will result in the vandal losing his or her driver’s license for up to three years. (PC 594, VC 13202.6)

9. Tampering with licenses or ID’s on cars, bicycles, and property. (PC 537 e & g)

10. Unlawful driving or taking of a vehicle with the intent to permanently or temporarily deprive the owner of possession. (VC 10851)

11. Littering or throwing objects at or from vehicles. (PC 374, VC 23110, 23112)

12. Trespassing on school or private property. (PC 602, 626.2)

WHAT CONSEQUENCES MAY I SUFFER IF I COMMIT VANDALISM?

Vandalism is the malicious destruction of another person's property. The damage can be caused by any means: breaking items, scratching surfaces, and spray painting are all forms of vandalism. The potential punishment for vandalism will depend on the amount of damage caused and, in some cases, how the damage is caused.

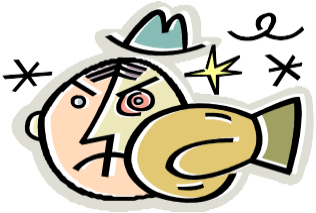
If the damage is less than $400, it is punishable by up to one year in custody and a fine of $1,000. If the damage is over $400, the punishment is up to three years in custody and a fine of up to $50,000. The court must suspend the drivers license, for up to three years, of a person convicted of vandalism. If a minor does not have a driver's license, the court can order the Department of Motor Vehicles to delay issuing a license for up to three years after the minor becomes eligible, for a vandalism conviction. (VC 13202.6) In addition to any fine imposed, the person causing the damage is required to pay for the repair of any damages caused to the victim's property.

If the vandalism is to a church or other religious institution, the potential punishment is up to three years in custody regardless of the amount of damage caused.

It is unlawful for any minor to purchase aerosol paint or to possess cans of aerosol paint in many public places. (PC 594.1) Violation of this rule can result in a fine of $1,000, and 90 days confinement for a first offense, six months for a second offense, and 240 days for a third offense, and can be punished by imposing 100 hours of community service on the first conviction, 200 hours for the second conviction, and 300 hours for a third conviction.

If the vandalism is in the form of graffiti, and if the damage is less than $250 for damages and cleanup, the defendant also may be punished under a special anti-graffiti law. (PC 640.5 and 640.6) With subsequent violations, the punishment can go up to one year in custody and 300 hours of community service. If the child is unable to pay the fine, the law allows the parents to be assessed the fine.

In addition to any of the foregoing penalties, if the vandalism is committed by painting, scratching or writing on any surface, and if the defendant is 13 years old or older, the court may suspend his or her driving privileges for up to one year or deny the ability of a person to get a license for a period of one year following the date he or she is otherwise eligible for a license. (VC 13202.6) Successive violations may bring successive periods of suspension. The period of suspension may, in the judge's discretion, be converted to community service hours at the rate of one hour for each day of suspension.



IS FIGHTING A CRIME?

Fighting is a crime. Depending on the circumstances, the crime may be a felony or a misdemeanor. Fighting may violate several laws:

1. Disturbing the peace, punishable up to 90 days in custody and a $400 fine. (PC 415)

2. Simple battery, punishable up to six months in custody (up to one year if committed on school property) and a $2,000 fine (PC 240, 242)

3. Assault with a deadly weapon or with force likely to produce great bodily injury, punishable up to 2, 3 or 4 years in custody. (PC 245)

4. If great bodily injury actually is inflicted, up to 5, 6 or 7 years in custody. (PC 12022.7)

5. If a weapon is used, such as a knife or club, a year is added to the punishment. (PC 12022)

It is important to recognize that physical contact, even if just “messing around” is a battery if the person “messed with” did not consent to the contact. Many plain “bullies” are surprised to learn they have committed a crime when pushing or hitting someone else.

WHAT IF I START A FIRE?

Intentionally or carelessly starting an illegal fire is a very serious crime. If the fire involves a residence and someone is injured (even if in an effort to fight the fire), the punishment may be as much as nine years in prison, with lifetime registration as a convicted arsonist. (PC 451) Burning of open land may result in 16 months, two or three years in custody. These punishments apply even if you only help or encourage another person to commit the crime.

Unauthorized discharge or possession of fireworks in forest land may result in a fine of up to $1,000 and six months in custody. (H&S 12677) Each city and county has different rules regulating the use of fireworks.

Making a false report of a fire, including the pulling of an alarm, is punishable up to one year in custody and a fine of up to $1,000. (PC 148.4)

WHAT SEX ACTS ARE CRIMES?

Unlawful Sexual Intercourse (PC 261.5), commonly called "Statutory Rape": sexual intercourse between two consenting people when one or both are under the age of 18. If there is three years or less between the ages of the participants, the offense is a misdemeanor, punishable by up to one year in the county jail. If the age difference is greater than three years, the perpetrator can be charged with either a misdemeanor or a felony, and can be imprisoned for up to three years. If one person is 21 or older, and the other person is under 16, it can be a felony for the person over 21, punishable by up to four years in state prison. It is important to understand that these are crimes against the public, and it is not a defense or relevant that the other party consented to the act, nor does it matter if a parent consents to the sexual relationship. In fact, if a parent knows about and encourages a sexual relationship by a minor child the parent is subject to prosecution for "contributing to the delinquency of a minor." (PC 272)

Spousal Rape (PC 262): non-consensual intercourse between spouses when the victim is unconscious, intoxicated, or forced against his or her will to engage in sex, and reports the crime within one year. This crime is a felony, punishable by up to eight years in state prison. Some people are surprised at this law, but it is based on the *right* of a person, even if married, to say "no."

Rape (PC 261): non-consensual intercourse between people who are not spouses, when the victim is unconscious, intoxicated, or forced against his or her will to engage in sex, or incapable of consent because of a mental or physical disability. This crime is a felony, punishable by up to eight years in state prison. It is also important to understand that non-consensual sex between two persons who are in a dating relationship (not married) who have had prior consensual sex is rape, regardless of the prior consensual acts.

Sexual Battery (PC 243.4): non-consensual touching of an intimate part of another for purposes of sexual arousal, gratification, or abuse. It is a felony when the victim is restrained by force or fear, punishable by up to four years in state prison. Any non-consensual touching of an intimate part of another when the victim is not restrained is a battery, punishable by up to a year in county jail.

Child Molestation (PC 288): any person who commits a lewd act upon the body of a child under the age of 14 is guilty of a felony and can be punished by up to eight years in state prison. If the victim is 14 or 15 years old, and the perpetrator is 10 or more years older than the victim, the perpetrator may be punished by up to three years in state prison. A "lewd act" includes touching an intimate part of the victim.

Annoying or Molesting Children (PC 647.6): Every person who annoys or molests a child under the age of 18 is guilty of a misdemeanor, and can be punished by up to one year in the county jail. Unlike PC 288, this offense does not require that the perpetrator touch the victim. Three cases illustrate that type of

conduct prohibited by this law. In the first, the defendants, were driving an automobile, picked up four girls who wanted a ride to a restaurant, and promised to give them a ride. The males did not take the girls to the restaurant as requested, but instead took them to their residence where they tried to persuade them to come inside – the girls walked away. The defendants were convicted. In the second case, a twelve year old girl was riding her bike to school when the defendant started to follow her. He repeatedly drove past her, stared at her, and made hand and facial gestures in her direction. The defendant was convicted. In the third case, a male made crude sexual comments to two girls while they walked past him. The defendant was convicted. In this law, the word "molesting" does not mean sexual molestation, but rather unlawful "bothering."

Providing Lewd Material to a Minor (PC 288.2): distributing, exhibiting, or sending sexual information to a minor by any method, for the purpose of sexual gratification. It is a misdemeanor or a felony, punishable by up to three years in state prison.

Obscene Telephone Calls (PC 653m): Every person who telephones another person with the intent to annoy them and use obscene language is guilty of a misdemeanor.

Sexual Exploitation of a Child (PC 311.3): depicting by film, photograph, or videotape sexual conduct of a person under 18 is a misdemeanor, punishable by up to one year in county jail and a fine of $2,000.

Possession of Child Pornography (PC 311.11): possessing photos, undeveloped film, video, negatives, slides, or photocopies which depict a child under the age of 18 engaging in sexual conduct. It is a wobbler, felony or misdemeanor, punishable by up to a year in jail and a $2,500 fine.

Indecent Exposure (PC 314): Every person who exposes his or her "private parts" in a public place, or a place where others are present, for the purpose of his or her sexual gratification, or the sexual gratification of others, is guilty of a misdemeanor and may be punished by up to one year in the county jail. Upon the second conviction, the person is guilty of a felony punishable by up to 3 years in state prison.

There are other sexual criminal offenses which are not common and not listed here, but generally are very serious and result in substantial prison terms.

SPECIAL ADDITIONAL PUNISHMENTS FOR SEX OFFENSES

AIDS Testing (PC 1202.1): Every person who is convicted of rape (PC 261), statutory rape (PC 261.5), spousal rape (PC 262), among other sex crimes, must be tested for AIDS.

Operation to Prevent Procreation (PC 645): Whenever a person is found guilty of molesting a female under the age of 13, the court may "direct an operation to be performed upon such person for the prevention of procreation."

Registration of Sex Offenders (PC 290): Every person who is convicted of a sex crime must register with local law enforcement as a sex offender. The person must give a written statement (including his or her address), fingerprints, and photograph to be kept on record by law enforcement. Failure to do so is a misdemeanor or a felony. These records can be made public or disclosed to neighbors of the registrant (commonly called "Meagan's Law.")

WHAT HAPPENS IF I CAUSE ANOTHER MINOR TO BREAK A LAW?

If you help another minor to commit a crime, you are considered a "principal" in committing the crime and also will have to go to court, or may be charged with the separate crime of "contributing to the delinquency of a minor." (PC 272) You could also have to go to court if you are with another minor who commits a crime, and you do not try to stop it. (PC 31, 32, 272, 659)

WHAT IF I LIE AND REPORT A CRIME WHICH IS NOT TRUE?

It is a crime to make a false police report or give false information to an officer or turn in a false fire alarm, or false bomb threat. If questioned as a witness by the police, or in court, you must tell the truth; to lie would be a felony. (PC 118, 148.5, VC 31, PC 148.9)

WHAT IF I DON'T KNOW THAT SOMETHING I DID IS A CRIME?

You are still guilty of a crime, because not knowing a law is not a legal excuse. Otherwise, any person committing a crime might say he or she simply didn't know about a law and escape the consequences. No one would be safe if that were allowed. Just ask yourself if what you are doing will harm or injure a person or property not your own. If it will, it's wrong and probably is a crime. Sometimes, when the degree of a crime varies, ignorance may be a defense to the more serious crime (but not the less serious) because you didn't have the specific intent to commit the offense.

COMPUTER/INTERNET CRIMES

- Pirating or downloading copyrighted material, such as music. (PC 502(c), 13848)
- 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)(1))
- Introducing contaminants or viruses to a computer. (PC 502, 502(c)(8))
- Disrupting or denying access to the authorized users of a computer. (PC 502(c)(8))

GANGS AND GANG MEMBERSHIP

WHAT IS A GANG?

Three or more people acting together to commit a criminal act may constitute a gang.

IS IT ILLEGAL TO BE A GANG MEMBER?

Being identified as a member of a gang may subject a person to a higher level of prosecution for any crimes or violent acts related to gang activity. (PC 186.22) Also, a prosecutor may apply to the court for a civil *injunction,* which is an order that certain persons are legally prohibited from associating together because they have a history of committing crimes together.

CAN STUDENTS WEAR GANG RELATED ARTICLES OF CLOTHING TO SCHOOL?

Local school boards may adopt policies restricting dress that negatively impacts health or safety. Clothing that may provoke violence may be prohibited by the School Board policy. There have been occurrences in Lassen County where minors were beaten or harassed simply because they wore certain colors of clothing.

PARTIES

WHAT RULES SHOULD I KNOW IF I'M HAVING A PARTY, OR GOING TO A PARTY?

Fighting, loud music, rowdiness, use of alcohol and/or drugs, keeping the party going too late – all of these come under disturbing the peace, or laws against fighting or the use of alcohol and drugs. (PC 415, 416) A minor and his parents can be prosecuted for contributing to the delinquency of other minors if they are allowed to drink or use drugs at a party. (PC 272)

WHAT IF SOMEONE CRASHES MY PARTY?

Crashing a party is trespassing and is illegal. If necessary, you have the right (and, sometimes, a duty) to call the police to remove uninvited persons (PC 602.5)

ALCOHOL

WHAT IS AN ALCOHOLIC BEVERAGE?

Any drink that has at least ½ of 1 percent alcohol is an alcoholic beverage. That includes beer, wine or any other liquor.

WHEN CAN I BUY AND DRINK AN ALCOHOLIC BEVERAGE?

You must be 21 before you can buy or drink alcoholic beverages (BPC 25658b)

WHAT IF SOMEONE SELLS OR GIVES ME AN ALCOHOLIC BEVERAGE?

It is against the law to sell or give alcoholic beverages to a person under 21, or to let the person drink with them in a bar or store. (BPC 25658)

SUPPOSE I GO INTO A STORE OR BAR TO BUY AN ALCOHOLIC DRINK, WHAT WILL HAPPEN?

You must be 21 years old or more to do so. If you are under 21 you can be cited into court. If you appear to be under 21, you will be asked to prove your age and if you can't the dealer cannot sell to you. (BPC 25659)

WHAT IF I BORROW A DRIVER'S LICENSE OR CHANGE THE AGE ON MINE TO SHOW I'M 21 OR OVER?

You will be breaking the law in both cases. Any person who furnishes a false identification to you will also be committing a crime. You cannot lend, borrow or alter a driver's license or other identification in any way. (BPC 25661, 25660.6, VC 14610)

WHAT OTHER LAWS ARE THERE ABOUT ALCOHOLIC BEVERAGES?

It is against the law for a person under 21 to:

1. Possess liquor on any street, highway, or public place; or carry liquor in a car; or be a passenger in a car carrying liquor unless accompanied by a parent or legal guardian, even if the container is sealed. (BPC 25662; VC 23224a/b)
2. Enter and remain in a bar without lawful business. (BPC 25665) Be under the influence of alcohol or drugs in a public place and in such a condition that you cannot exercise care for your safety or the safety of others. (PC 647f) If you are 13 years of age or older, but under 21, the court must suspend your driver's license for a year if you commit any of the violations listed above. If you don't have a driver's license yet, the court must delay your driver's license for a year from the date when you become eligible for a license. (VC 13202.5)
3. Be hired to work in any place where the main business is selling alcoholic beverages to be used on the premises or be hired to work at any place where the alcoholic beverages are for off premises consumption if the employee is under 18, unless under the continued supervision of a person over 21. (BPC 25663a/b)
4. Drive a motor vehicle with a blood alcohol level of .01 percent or greater. The Department of Motor Vehicles can immediately suspend your driver's license if you are caught driving with a blood alcohol level of .01 or greater. (VC 13353.2)

It is also against the law for anyone to:

1. Have an open alcoholic container in a car, whether you are drinking or not, or to drink while you are driving, or to drive a car under the influence of alcoholic beverages. (VC 23226, 23152a)
2. Be drunk or under the influence of drugs in public or on a public highway. (PC 647f)
3. Drink, sell or give liquor to any person or possess liquor on any public school or school grounds. (BPC 25608)

4. Permit a minor to loiter in a place where liquor is sold and which is not operated as a restaurant. (BPC 25665)
5. For each conviction of a controlled substance or alcohol-related offense, committed while the person was under 21 years, but 13 years of age or older, in addition to other punishment the court shall suspend the driving privilege for one year. If the minor does not yet have a license, the court shall order the Department of Motor Vehicles to delay the issuance of a license for one year. (VC 13202.5)
6. A parent could face a misdemeanor charge of up to one year in jail and a $1,000 fine if his or her child is under 18, or the child's underage companion, causes a traffic collision after drinking alcohol in the home. The law would apply if the parent permitted the child to consume alcohol or use a controlled substance and then allowed the child to drive (with a blood alcohol concentration of at least 0.05 percent.) (BPC 25658.2)

DRUGS AND NARCOTICS

WHAT ARE SOME DANGEROUS DRUGS?

1. Hallucinogens, including marijuana, LSD, Peyote, PCP (Angel dust) and many others.
2. Stimulants (uppers, including methamphetamine)
3. Sedatives (downers)
4. Narcotics, such as heroin, opium, morphine, and methadone. (HSC 11053-58)

These drugs are illegal, except by prescription.

WHAT ARE SOME OF THE LAWS ABOUT NARCOTICS AND DANGEROUS DRUGS?

It is illegal to:

1. Use, possess, transport, sell, give away, or offer any narcotics or dangerous drugs.
2. Use, or be under the influence of dangerous drugs, unless they are prescribed by a licensed person, usually a doctor.
3. Encourage, try to sell to, or force any minor to break any of the narcotics laws.
4. Make or use a false or changed prescription.
5. Plant, cultivate, harvest, dry or process marijuana or other drugs.
6. Possess any instrument or means used to inject any illegal drug.
7. Sniff glue or cement containing the chemical toluene.
8. Use, sell or possess any narcotic or dangerous drug at school or elsewhere.
9. Drive on any highway or road while under the influence of drugs.

10. Own a pipe or other device used unlawfully to smoke an illegal substance, or visit or be in any room where an illegal drug is being unlawfully smoked.
11. To allow minors under the age of 18 into an area of a store that sells or displays drug paraphernalia. (HSC 11350, 11352, 11353, 11357, 11364, 11365; PC 381; VC 23152)

TOBACCO

ARE THERE LAWS ABOUT TOBACCO TOO?

Yes. It is unlawful to sell or give any tobacco product to minors under 18. (PC 308) Students may not use or possess tobacco or tobacco products on school grounds. (EC 48900h) It is unlawful for a minor to possess tobacco, and can be punished by a fine up to $75 or thirty hours of community service for tobacco possession. (PC 308(b))

SCHOOL

DO I HAVE TO GO TO SCHOOL?

Yes, you do. It is the responsibility of your parents or guardian to see that you go to school full-time from age 6 to 16. From age 16 to 18, you must attend either full-time or part-time unless you have been exempted (excused) or have graduated from high school or have taken and passed a special test called the California High School Proficiency Examination. It is also the duty of your parents to re-enroll you in a new district if you move. (EC 48200) It is also your duty to attend school and you may be made a ward of the court if you do not.

SCHOOL RIGHTS AND RESPONSIBILITIES

WHAT CAN MY PARENTS DO OR NOT DO CONCERNING MY SCHOOL?

A parent or guardian has the right to see your school records and to talk with the teachers and school administrators about you. (EC 48980, 49069-72) A student, having reached the age of 16, or having completed the 10th grade, can read and discuss his records in the same way that parents can. (EC 49076a,b)

Your parents can disagree with the teachers or administrators, but they cannot insult, abuse or interfere with teachers or administrators. (EC 44811) Your parents can refuse permission for you to have a physical or psychological examination. They must be notified and give their written permission before you can be given a

questionnaire, survey or examination regarding your parents' or your personal beliefs, sex practices, family life or religion. (EC 49091.12; 49091.18; 49456)

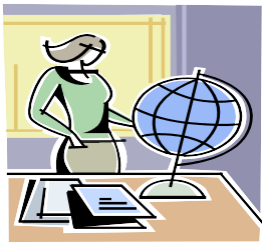
WHAT IS MY DUTY AS A STUDENT?

You must obey lawful school rules and orders, follow the course of study and submit to your teachers' authority. (EC 48908; CAC Title V, 300-307)

You must attend school regularly and on time; you must obey school rules, obey the directions of your teachers and others in authority; observe good order and behavior; attend to your studies; respect teachers and other students. (CAC Title V, 300) You cannot hit, swear at, or abuse school employees. (EC 44014, 4890; PC 245)

You are legally prohibited, while on the school grounds or under school supervision, from engaging in any unlawful activity, including; sexual behavior, swearing, drinking, gambling, using or possessing dangerous drugs or using or having tobacco. (BPC 25608; EC 48900, 48910; PC 308)

You cannot do anything that injures other students or school employees or damages school property. If you cause personal injury, property damage to the school, or carry a weapon, you can be suspended or expelled (in addition to being charged with crimes.) In addition, you and your parents can be held financially responsible for any resulting damages. (EC 48904, 48911, 48915; CAC Title V, 305)



WHAT IS THE JOB OF TEACHERS AND ADMINISTRATORS?

Teachers are required to hold students responsible for their conduct going to, coming from, or at school, and at any school activity. (EC 44807)

Every teacher in the public school must enforce the course of study, the use of certain textbooks, and the rules and regulations required by law. (EC 44805)

School personnel cannot physically harm or injure a student and may not use physical punishment. They may, however, use an amount of force reasonable and necessary for self-defense or to protect other persons and property. (EC 49001)

School personnel cannot permit breaking of state or local laws and must see that school rules are obeyed.

CAN TEACHERS OR ADMINISTRATORS OPEN MY SCHOOL LOCKER AND SEARCH IT? CAN THEY SEARCH PURSES, CARS, ETC?

If school administrators have reason to suspect that you are in possession of illegal items, they can search your locker, request that you empty contents of lockers and/or purses, and question you about suspected thefts. Your vehicle may be searched by school personnel if your conduct or the welfare of the school and other students is involved. (EC 49050, 49051; PC 1524)

CAN I GO TO PRIVATE SCHOOL?

Yes, if the school has competent teachers and meets certain state standards. (EC 48222-23)

ARE THERE SCHOOL PROGRAMS FOR MINORS WITH DISABILITIES?

Yes. Both the Federal Government and the State of California require programs for every kind of disability, including communication, learning, and physical. (EC 56000, 56001; US Public Law 94-142; Sec 504 Rehabilitation Act)

TRUANCY

WHAT WILL HAPPEN IF I DECIDE TO SKIP SCHOOL FOR A FEW DAYS?

If you are absent without a good cause for three days or more, or are late to school more than 30 minutes on each of the three days, you are a truant and must be reported to a school official. (EC 48260, 48264-66) Your parents must be notified each day you are absent. (EC 48260.5, 48340)

WHAT MIGHT HAPPEN NEXT?

A conference will be held with your parents or guardian. If you are again absent without excuse for one or more days, or late one or more days, you will again be reported. (EC 48261) If you are reported truant three more times during a school year even after parent conferences, you can be referred to the School Attendance Review Board (SARB.) (EC 48263)

WHAT IS THE SCHOOL ATTENDANCE REVIEW BOARD (SARB)?

SARB is a community board designed to refer you and your parents to community resources instead of the Juvenile Court System. (EC 48321(a)(b)) If you are referred to SARB your parents will be notified and directed by court order to meet with you and the Board to try to find a solution to the problem. (EC 48263)

If there seems to be no solution, or you ignore what the Board directed you to do, the County Superintendent of Schools can request that the District Attorney cite you to appear before the Juvenile Court and answer a petition that you be made a ward of the court as a habitual truant. (EC 48263, 48403, W&I 601)

Parents who refuse to respond to the School Attendance Review Board (SARB) can have a criminal complaint filed against them, be convicted of an infraction, and be fined (EC 48291-93), or be punished for contempt of court.

Students age 13 to 18 who are habitually truant and who are made wards of the court may have their driver's licenses suspended or delayed for up to one year, be fined up to $100 and/or ordered to perform community service (VC 13202.7; EC 48264.5), in addition to other terms of probation.

SUSPENSION AND EXPULSION

WHAT IS "SUSPENSION"?

It is a temporary removal from school. You can be suspended from class by a teacher for a day for "good cause" or when other means of correction fail to bring about proper conduct. The principal can also suspend for a period of not more than five days at a time if he or she finds "good cause." (EC 48900.5)

If you are suspended, your parents or guardian must be notified and a meeting held with them. There, they must discuss why you were suspended, what school rules you broke, and how long the suspension should last. (EC 48910, 48911)

You can be suspended for not more than five days at a time or 20 days in a school year. (EC 48903, 48911)

Your parents may be required to attend school with you for a teacher suspension. (EC 48900.1)

WHAT IS EXPULSION?

"Expulsion" means that you are permanently excluded from a school for "good cause." Your district school board must approve any expulsion action. (EC 48915) When you are expelled from one school you cannot attend any other school in that

district except as permitted by the school board order. Expulsion for more serious offenses will prohibit you from attending school in any other school district.

WHAT IS “GOOD CAUSE”?

Students may be expelled upon the first offense of the first five causes. (EC 48900.5, 48915)

1. Caused, attempted, or threatened physical injury to another.
2. Possessed, sold, or provided a firearm, knife, or explosive or other dangerous objects.
3. Possessed, used, sold, provided, or were under the influence of a drug, alcoholic beverage, or other intoxicant.
4. Offered to arrange or negotiate to sell any drug, alcohol or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property.
7. Stole or attempted to steal private property.
8. Possessed or used tobacco or tobacco products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Possession of or possession for sale of drug paraphernalia.
11. Disputed school activities or otherwise defied authority.
12. Possession of a replica firearm.

You may also be suspended or expelled for sexual harassment and/or hate motivated infractions. (EC 48900.2, 48900.3)

DO I HAVE ANY WAY TO DEFEND MYSELF FROM BEING SUSPENDED OR EXPELLED?

You cannot be suspended or expelled for the reasons listed under “good cause” unless it has to do with school activity or school attendance. If you are facing suspension, you and your parents should attend the meeting which is called to consider your case. There, you can present your side of the situation. (EC 48911, 48914)

If you are facing expulsion, there is a system of rules to follow, including a hearing held by the school board or its designated panel which you and your parents must attend. A notice will be sent 10 days before the hearing. The law sets time limits for this hearing. (EC 48914, 48918)

If the school board decides to expel you, you and your parents have 30 days to appeal the decision to the County Board of Education, which will hold a hearing within 20 days of the request. (EC 48919) The decision of the County Board is final. (EC 48924)

DO I HAVE TO GO TO SCHOOL IF I'M EXPELLED?

Even if you have been expelled from one school, you must still go to school. Your parents will have to find another school program which will accept you or you must enroll in the program ordered by the school board. This may include private schools, another public school district, court or community school, or use of a tutor. (EC 48915.2, 48917, 48915.1)

IS IT WRONG TO HANG AROUND SCHOOL GROUNDS AFTER SCHOOL IS DISMISSED?

It is wrong, unless you have some lawful business there. Otherwise, it is considered loitering, which is a misdemeanor. (PC 653b)

CIVIL LAW

WHAT IS A TORT?

By law, every person has a duty not to harm other people or their property. A “tort” is committed when you fail in your duty of care toward others and injure someone or their property. It doesn’t matter that the injury was caused by accident, if with ordinary care you could have avoided the injury. The person who is injured may sue you and your parents in civil court to recover the damages you caused. These damages may include such things as medical bills, costs to repair the damaged property, lost wages, and compensation for pain and suffering they may have experienced.

ARE TORTS AND CRIMES RELATED?

Certain conduct can be both a crime and a tort. Usually, a crime is also a tort, but a tort is not necessarily a crime. If, for example, you become drunk, drive a car and cause an accident which injures someone, you have committed a crime for which you may be punished by fine and incarceration. You have also committed a tort and may be required to pay the victim for his or her damages. Two different courts will be involved in this situation: the criminal court (or Juvenile Court) for the crime, the civil court for the tort. These are two separate proceedings so what you might pay in fines in the criminal court will not be a credit against the damages awarded in the civil court. On the other hand, if you accidentally back your car into another vehicle, person, or structure, the victim can sue you for a tort, but the conduct is not a crime.

HOW ARE TORT DAMAGES PAID?

If there is insurance coverage available such as an auto or homeowner’s insurance policy, the insurance company will pay the damages up to the limits of the policy. If there is no insurance or if the damages exceed the limits on available insurance, you must pay from other property you might have such as bank accounts, car, or your wages. Even if you do not have property or earnings now, a judgment against you may be collected for up to 10 years and even beyond that if extended by the court.

IF I AM A MINOR, WHO PAYS THE DAMAGES?

If you are a minor, you are still responsible to pay for your own damages, at least to the extent that you have any property or earnings with which to pay. (CC 1714) It is important to understand that civil judgments are enforceable for at least 10 years, and can be renewed for additional 10 year periods, so you could be paying on a judgment for an act as a minor well into your adult life.

Parents are also potentially responsible to pay damages in certain situations. Normally parents are not responsible for the careless acts of their children. The law provides however, that parents will be responsible for careless acts of their children in certain circumstances. The most common special circumstance is in the operation of a car. If the parents sign the minor's driver's license, the parent is responsible for injuries caused by the child up to $15,000 per person, or $30,000 per accident if more than one person is involved. (VC 17709) If the parent is co-registered owner of the vehicle with the child, the parent is responsible for all of the damages suffered, without limit.

Parents can also be responsible for the careless act of a child if they knew or should have known that the child was likely to cause injury or damage, but didn't act reasonably in trying to stop the child. This is also the case where a parent provides some item, such as a firearm, to a child, without proper supervision of its use.

If the damages are caused by the intentional act of a minor, such as a crime, parents are responsible for up to $20,000. A common example of this situation is vandalism, when the child intentionally damages another person's property. Other examples can include such things as theft when recovery of the property cannot be made, or physical fights that result in injury. Since insurance policies cover only careless acts, parents may be required to pay for intentionally caused damages out of their own pockets.

CAN A MINOR RECOVER DAMAGES IF HE OR SHE IS INJURED?

A minor can recover monetary damages for injury or property damage. The minor, however, will be required to file the lawsuit through a parent or guardian. (FC 6601)

DOES A PERSON HAVE A RIGHT TO AN ATTORNEY IN A TORT CASE AND HOW IS THE ATTORNEY PAID?

There is no constitutional right to an attorney in a civil lawsuit to the effect that you are entitled to have a court-appointed attorney at no cost. Each person must make his or her own arrangement for a lawyer. The person who is injured can frequently obtain an attorney by entering into what is known as a “contingent fee” agreement. By this agreement the attorney agrees to represent the person, with the fee being based on the outcome of the case and computed as a percentage of the amount of money awarded, commonly 33%. If the attorney recovers nothing for the client, no fee is paid.

If you are the person being sued, your attorney will be provided by an insurance company without charge if you have insurance. If you do not have insurance, you must take private arrangements with the attorney for payment, usually an hourly rate which can range from $200 or more per hour, or more, depending on the attorney you hire and the nature of the case. If you don’t have money to hire an attorney you will have to do your best to represent yourself, but it is almost always unwise to do so. In some particular types of cases, such as a landlord-tenant dispute, legal aid societies or services will render some assistance to a person unable to hire an attorney, but this does not usually include defense of tort actions. The Access to Justice Center located in the Lassen Superior Court Hall of Justice in Susanville provides self-help resources and offers some assistance.

WHAT IS A CONTRACT?

A contract is an agreement between two or more people to do something, usually in exchange for money. Contracts can be between individuals, companies, and even governments. As a matter of law, a minor does not have the legal capacity to enter into a contract except under specific circumstances. (CC 1556)

MUST A CONTRACT BE IN WRITING?

In many situations a contract does not have to be in writing to be valid. Contracts involving exchanges of money and property of less than $500, for example, do not have to be in writing to be enforceable. (CC 1622 et. seq.) Leases of property that are not over one year in length may be oral. Certain other types of contracts, however, because of their seriousness must be in writing. Sales of land must have a written contract. Where the agreement involves personal property such as a car or other items with a value of over $500 there must be a written contract.

Even if a written contract is not required, however, it is generally recommended that people write down and sign their agreements, particularly if people are agreeing to do things at some time in the future. Many contract disputes end up in court, not because someone is trying to break a contract or is dishonest, but rather where people have a misunderstanding over what was said or expected of them under the agreement. A written contract helps to avoid these costly and aggravating problems.

HOW ARE CONTRACTS ENFORCED?

Contracts are enforced by a lawsuit in civil court. If the court determines that person has not done what is required under the contract, the court awards the other person damages to compensate him or her for what was lost by the breach of the agreement. In certain circumstances the court can require the breaching person perform the contract as originally agreed. If money damages are awarded, the money must come from the property of the person who committed the wrong. Insurance is rarely available to pay damages in contract disputes.

CAN A JUVENILE ENTER INTO A CONTRACT?

Although the general law is that a minor does not have the capacity to enter into a contract, under other statutes it is legally possible for minors to enter into contracts. The problem comes, however, with the enforcement of the contract. Except in certain special circumstances, law gives the minor the right to set aside the contract within a reasonable time. If a minor agrees to buy certain car speakers on a contract calling for certainly monthly payments, for example, he or she can later cancel the contract and return the speakers. For this reason most businesses will not make contracts with minors unless there is at least an adult co-signer who can be held to the contract if the minor fails to perform.

A minor can be held to certain contracts, even if an adult does not co-sign the agreement. Contracts for the payment of most medical expenses are enforceable. If you are a minor living out of the home, contracts relating to “necessities of life” such as food, clothing, and shelter are also binding on the minor.

TRANSPORTATION

BICYCLES

ARE THERE LAWS FOR BICYCLE RIDERS?

Yes. Every person riding a bicycle on a roadway or any paved shoulder of a roadway must obey all the same laws that the driver of a car must obey. This means that you can be stopped by a policeman if you break one of the laws, and you may have to go to Juvenile Traffic Court. (VC 21200)

DO I HAVE TO HAVE A BICYCLE LICENSE?

The State of California issues the licenses to counties and cities which can issue and/or require licensing of bicycles. Licenses can be obtained at the police department, fire department or city hall, depending on your community (VC 39001) Many communities do not elect to license bicycles, and currently neither Lassen County or the City of Susanville issue licenses for bicycles.

It is a good idea to have a record of the serial or frame number from your bicycle in order to provide it to the police if it is missing. If it is stolen and found, the police then will be in a good position to return it to you. If the owner cannot be identified, they would probably sell it at public auction. It is against the law to remove, or to buy, sell, or possess a bicycle that has a serial number taken off. (PC 537e)

DO I HAVE TO WEAR A HELMET?

Persons under age 18 are prohibited from riding a bicycle without an approved helmet. (VC 21212)

ALCOHOL OR DRUGS

It is also against the law to ride a bicycle if you are under the influence of alcohol or drugs. (VC 21200.5)

SKATEBOARDS

The City of Susanville has a “Skateboard Park” on North Street, and it is designated for that use with requirements of safety equipment and conduct. Minors under age 18 must wear a proper fitting, approved bicycle helmet while operating a skateboard (motorized or non-motorized.) (VC 21212(a)) Certain areas

are specifically identified by City and County ordinances where skateboarding or skating is prohibited. One such place is the Lassen Superior Court Hall of Justice.

SCOOTERS

Children under the age of 18 must wear a bicycle helmet while riding a scooter (motorized or non-motorized). (VC 21235)

MOTOR VEHICLES

WHAT IS CONSIDERED TO BE A MOTOR VEHICLE?

A motor vehicle is any vehicle that runs on its own power; it has a motor. It includes cars, buses, trucks, motorcycles, ATVs, motor scooters, motor bikes, mini-bikes, go-carts, and mopeds. There are laws governing the use of ALL motor vehicles. (VC 405, 406, 407, 415)

ARE THERE LAWS ABOUT MINI-BIKES AND MOTOR SCOOTERS, AS WELL AS MOTORCYCLES?

Yes. The same laws apply to all motor vehicles. Except for a few cases listed in the Vehicle Code, no motor vehicle can be driven on public roads unless it is registered. Since most mini-bikes and ATVs are not registered, they cannot be driven on the street. If your motor vehicle is registered, you must still have a driver's license to drive it on the public roadway. (VC 4000)

All motor vehicles have to be built and equipped to meet legal requirements for lights, brakes, windshields, and other applicable safety equipment. (VC 26301, 25650.5, 26700)

If you do not have a driver's license, your parents can be charged with a crime and taken to court if they let you drive any motor vehicle on a public road or sidewalk. (VC 14607)

Since mini-bikes, mopeds, go-carts, ATVs and other small vehicles are often involved in severe accidents, they should be driven carefully. A driver or passenger is required by law to wear a safety helmet. Anyone driving one of these vehicles which do not meet Vehicle Code standards should do so only (a) on private property after permission has been obtained; (b) under adult supervision and control; (c) while wearing protective headgear and clothing.

WHAT IF I JUST BORROW A FRIEND'S MOTOR VEHICLE?

As the driver, you are responsible for anything wrong with, or illegal about the vehicle, even if you borrowed it from a friend or relative. (VC 24002)

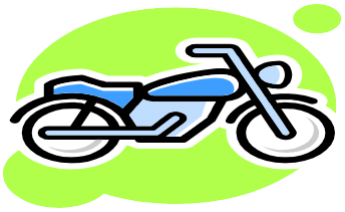
HOW FAST MAY I GO WITH A MOTOR VEHICLE?

Although California law sets several limits, there is a "basic speed law" which you need to understand. It says that the proper speed is one that is right for the weather, visibility, traffic, surface and condition of the road, and which doesn't cause a danger to people or property. This can be slower than the posted speed, but rarely faster. (VC 22350)

WHAT ABOUT MOTORIZED BICYCLES (MOPEDS)?

A driver's license is required to operate a moped. If you are between age 15 ½ and 17 ½, you can operate a moped AFTER you have completed both driver education and driver training. When operating a moped with a valid instruction permit, you cannot carry a passenger, and you cannot ride after dark.

Mopeds cannot be operated on sidewalks, bicycle paths, horse trails, or freeways. They can be driven in bike lanes on the side of the roadway. It is illegal to modify a moped so that it will exceed 30 miles per hour on level ground. A motorized bicycle operated upon a highway is exempt from registration.



WHAT ABOUT MOTORCYCLES?

All these vehicles laws apply to them, too. But there are additional laws which riders of motorcycles must observe. You can find all these laws for motorcycles and other motor vehicles in the California Driver Handbook, which you can get free at any Department of Motor Vehicles Office.

MOTORCYCLE HELMETS

Both drivers and passengers on motorcycles are required to wear helmets. (VC 27803)

CAN I GET A TRAFFIC TICKET IF MY LIGHTS AREN'T WORKING OR SOMETHING ELSE IS WRONG, EVEN IF I DON'T KNOW ABOUT IT?

Yes, because it is your responsibility to keep your vehicle in good working condition. (VC 24250, 24400)

CAN I HANG OBJECTS FROM THE REARVIEW MIRROR?

You cannot drive a motor vehicle with any object displayed or installed that may affect or reduce the driver's clear vision through the windshield or side windows. (VC 26708) This includes dark tinting of windows.

DRIVER'S LICENSE

WHEN MY PARENTS SIGN FOR MY LICENSE, WHAT DOES IT MEAN FOR THEM?

Your parents can be held financially responsible if you should be involved in an accident. In the case of injury, where it is your fault, you and your parents can become liable for damage to health and property which could cause you to continue paying after you turn 18 years of age. If emancipated, you are financially responsible.

WHAT ARE THESE 'TEEN DRIVING LAWS' ANYWAY?

"California Provisional License Law." The law restricts some driving conditions. These conditions do not apply if you have a licensed 25+ year old in the car with you. For the first 12 months you:

- Cannot drive after 12 midnight or before 5 a.m.
- Cannot transport anyone under the age of 20 unless you are accompanied by your parent or guardian.

Exceptions may be granted to cover school activities, medical needs and employment where alternate transportation is not adequate and the need is properly verified by the school, doctor or employer.

HOW DO I KEEP OR LOSE MY LICENSE?

If in the first six months you are cited for violating either of the provisions mentioned previously, you will then start your 12 months all over again and have to pay a fine.

From the time you apply for a license, the California Department of Motor Vehicles maintains a permanent record of any driving violations you receive. Three “points” on your record in one year will get you a six month suspension of your license. You get one point for most traffic violations; DUI, Reckless Driving, and Accidents are two points. (VC 12810)

These are a few but not all of the possible violations.

WHAT SHOULD I DO IF I’M STOPPED AND GIVEN A TICKET?

If you are stopped and an officer issues you a citation for a traffic violation, or for any other violation, you must sign the citation even if you feel that you are not guilty. Your signature on the citation is not an admission of guilt; it is only your promise to appear in Traffic Court. If you refuse to sign the citation promising to attend court, the officer must immediately take you into custody and to court, or a detention facility until court is in session. If you have committed a violation of the law, you can be given any one of several penalties. (VC 40502, 42000-02)

WHAT IF I HIT ANOTHER VEHICLE OR DAMAGE PROPERTY, AND THE OWNER ISN’T THERE?

In order to avoid being charged with “hit and run” if you are involved in an accident, you have a duty by law to stop your vehicle, give your name, address, registration number, the name of the legal owner, and, if asked, show your driver’s license. If no one is present, you must a leave a note on the property with this information. You must notify the police as soon as you can. (VC 20002)

Above all, don’t leave the scene of an accident. Hit and run is a serious offense. If you hit a parked car, and the owner isn’t there, leave information on the outside of the vehicle or property where it is easily seen. (VC 20002)

CAN I RIDE IN THE BACK OF A PICKUP?

No person can ride in the back of a pickup or flatbed truck without an approved restraint system (seatbelt.) (VC 23116)

LAWS FOR YOUNG DRIVERS

SPEED CONTESTS

Speed contests are against the law. A judge can suspend a first-time offender's drivers license for 90 days and may suspend a minor's license for up to six months for subsequent offenses as well as impose fines of up to $1,000. (VC 23109)

CRUISING

The city and county can prohibit cruising in posted areas and you can be given a ticket if you disobey the signs. In Lassen County, there currently are not ordinances prohibiting "cruising," and a time-honored tradition in Susanville is the "Main Street drag." However, one should understand that all other traffic laws apply to actions taken while cruising, such as impeding traffic, violating rights of way, and racing.

LITTERING
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 with the intent to cause great bodily harm. The law also prohibits littering or throwing lighted cigarettes from a motor vehicle; the penalties range from a $100 fine to a $1,000 fine and probation. (VC 23110-12, 42001.7)

WIRELESS PHONES

As of July 1, 2008, Vehicle Code 23124 prohibits a person under the age of 18 from driving a motor vehicle while using a wireless telephone (cell phone) even one equipped with a hands-free device, or while using a mobile service device. There are no exceptions to this law except to call police, fire or medical authorities in case of emergency. The penalty for a first violation is a fine of $155 and a second violation is $205. (VC 12810.3, 23123, and 23124)

LASER POINTERS

It is illegal to point a laser into a motor vehicle to annoy or harass the driver or passengers. Violating this law could result in a $50 fine or required community service. A subsequent violation could result in a $100 fine or additional community service hours. (PC 417.27)

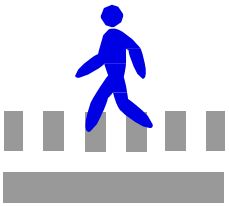
No student shall possess a laser pointer on any elementary or secondary school premises unless possession of a laser pointer on the elementary or secondary school premises is for a valid instructional or other school-related purpose, including employment. (PC 417.26)

Any person who aims or points a laser scope or a laser pointer at a peace officer with the specific intent to cause the officer apprehension or fear of bodily harm and who knows or reasonably should know that the person at whom he or she is aiming or pointing is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding six months. (PC 417.26)

ALCOHOL, DRUGS, AND YOUR DRIVER'S LICENSE

Persons over 21 cannot possess any alcoholic beverage while driving a motor vehicle where the container has been opened or the contents partially removed. Persons under 21 may not have any containers of alcohol in the motor vehicle whether open or unopened and whether they are the driver or a passenger.

1. Your driver's license will be suspended for one year (or delayed for one year if you do not have a license yet) if you are convicted of most drug or alcohol offenses including simple possession of drugs or alcohol and even if a motor vehicle was not involved in the offense. Under certain circumstances you may qualify for a restricted license to allow you to drive to and from work, and alcohol/drug school rehabilitation programs (VC 13202.5)
2. Your driver's license will be suspended for one year (or delayed if you don't have one yet) if you are convicted of being under the influence of, or in possession of, illegal drugs. No restricted license is available.
3. Your driver's license may be suspended for one year (or delayed if you don't have one yet) if you illegally possess alcohol or drugs, whether or not a motor vehicle was involved in the offense. (VC 13202.5)



PEDESTRIANS

WHAT ARE PEDESTRIAN RULES?

A person who is walking is a pedestrian. Pedestrians should always use sidewalks, if there are any. If there are no sidewalks, they should walk close to the left-hand edge of the roadway, facing the traffic. (VC 21956)

If you are a pedestrian, you have the right of way in crosswalks, whether or not they are marked by white lines. (VC 21950) As a pedestrian, you also have the responsibility to not step into the path of an oncoming vehicle just because you have the right of way. (VC 21950b)

If there are signal lights on both corners of a block, you cannot cross, or “jaywalk,” in the middle of the block. If there are no signals, or a signal on only one corner, you can cross in the middle of the block if you don’t interfere with traffic. (VC 21954, 21955) Some cities by ordinance (a local law) prohibit “jaywalking” on particular streets and you can be cited and fined for doing so. For example, Main Street in the City of Susanville is so designated, and you can be cited for crossing it outside of a crosswalk.

WHAT ABOUT HITCHHIKING?

It is not against the law to hitchhike, but it can be dangerous. If you decide to take the risk, stand well back off the shoulder of the road or on the curb. (VC 21957) It is usually against the law to hitchhike on a freeway in California.

HUNTING AND FISHING LICENSES

The Fish and Game Code requires any person 16 or older to have a valid license before he or she may hunt or fish in any area of the state. (F&G 3031, 7145) All persons must complete a hunter safety course in order to obtain a hunting license. (F&C 3050) Failure to be properly licensed may result in a fine of up to $2,000 and up to one year in jail. (F&G 12002.1, 12002.2)

BOATING REGULATIONS

There are a number of rules and regulations relating to the safe operation of watercraft. Local sheriff's departments and state park rangers regularly enforce these laws. "The ABC's of California Boating Laws" is a useful guide to the most common boating laws and may be obtained from the Lassen County Sheriff's Office and the State of California. The most frequently violated regulations are:

1. A person under 12 may not operate any watercraft (including jet skis) without direct supervision of a person over 18. A person under 12 may not act as the observer for a water skier.
2. A life vest must be worn by any person under age 7; any boat over 8 feet long must have a life preserver for each person on board.
3. Persons are not allowed to ride anywhere on the boat that is not specifically designed for seating, such as the sides, the bow and the transom.
4. Operating any watercraft while under the influence of drugs or alcohol, or any reckless operation of a watercraft is a misdemeanor; willfully and negligently operating a boat in a manner that causes bodily injury is a felony.
5. The police have the authority to terminate the operation of the boat in certain situations, including overloading of the boat, and where there are no life vests or fire extinguishers as required.

EMPLOYMENT

DO I HAVE A RIGHT TO WORK?

No. Working, for students under 18, is regulated by State and Federal law with conditions that may be related to grades, school attendance, and citizenship. It is an area strictly governed by Federal and State Child Labor Laws that have been enacted over many years to curb the abuse that historically existed where children were made to work many hours for small wages in poor conditions. Students under 18 must be enrolled in a school program to obtain a work permit.

HOW DO I GET A WORK PERMIT?

Any student 14 and older may apply for a work permit from his or her school of attendance. There are many restrictions regarding a student's work hours and conditions of work. These rules are available from your school. Students must have work permits during vacations. Work permits must be obtained for each new job. Permits are not transferable from job site to job site.

Work permits may be revoked by the issuing school for poor school attendance, lack of academic achievement, and other school related problems.

ARE THERE ANY TIMES THAT I DO NOT NEED A WORK PERMIT?

You do not need a work permit for babysitting, mowing lawns, doing odd jobs, and having a paper route. You also do not need a permit when you are working for your parent or guardian on their own premises or where they operate or control the business. (EC 49140-41; LC 1394)

WHAT SHOULD I BE PAID?

If you have a work permit, for most jobs you should be paid the state minimum wage which changes quite often. (Check with your counselor or other school authority.) If you are learning on the job (apprentice or work experience), you may need a special license allowing the employer to pay you less. There are also special rates for employers who have only a few minors working for them. If you do have to work more than eight hours in an emergency, you must be paid overtime.

ARE THERE SPECIAL LAWS FOR BABYSITTERS?

No, but in many places the recommended age for babysitting is 14 or older. Other good suggestions are:

1. Check the children often.
2. Never leave the home until the parents return.
3. Do not open the door to anyone, unless the parents have given their approval.
4. Do not take advantage of your employer by making too much noise, eating too much food, cluttering the house.
5. Do not have friends visit you.
6. Work only for persons approved by your parents.
7. Do not use the telephone unnecessarily.
8. Get a list of emergency numbers and the number where parents can be reached.

YOUR RIGHTS AS A JUVENILE

WHAT ARE MY RIGHTS IF I GET INTO TROUBLE WITH THE LAW?

In the event you get in trouble, are arrested, or are accused of a crime, the following rules should be kept in mind when dealing with the police:

ONE: Never resist arrest, no matter how unreasonable the arrest may seem. Resisting arrest is, in itself, illegal.

TWO: If you are arrested and taken to a police station, do not answer any questions concerning the proposed charges or offenses at least until your parents have been notified and are with you. You have a right not to talk to the police about the circumstances of the accusation against you. If you talk to an officer, make sure you understand why he or she is questioning you and what your rights are. It is wise to ask that the police call your parents and wait until they arrive before you talk about the matter. This is the way you exercise your Constitutional right to *not incriminate yourself*. Remember, anything you say to the police, or any other person, can be used in court to prove your guilt.

THREE: If an arrest is made, you may eventually end up in Juvenile Court. You have the right to a court appointed attorney even if your parents do not want you to have an attorney. Your parents have the right and will be encouraged to be in court with you and ask questions about the process, but *you* are the person accused and the rights are *yours.*

FOUR: If a police officer comes to your home to search the premises and no parent or adult guardian is at home, politely tell the officer to come back when an adult has returned, unless he or she has a search or arrest warrant. If the officer has a search warrant – a written document from the court ordering that the place can be searched – ask to see the document, and then cooperate with the officers.

FIVE: Your parents might be upset or even furious with you if you are caught breaking the law, but facing your parents is a great deal less serious than facing legal consequences alone in a police station or juvenile hall. Cooperate with law enforcement in notifying your parents. It may save you a trip to juvenile hall.

HIRING A LAWYER

BY THE CASE: A lawyer may charge a predetermined, fixed amount for specific cases such as making a will, filing for an uncontested divorce, or defending a person accused of a crime.

BY THE HOUR: (or more exactly, by the minute): Most lawyers charge clients according to time spent, with fees ranging from $200 or more per hour, depending on the attorney's experience and expertise. Telephone calls count, and usually so does time spent discussing the case outside the attorney's office. When consulting a lawyer professionally, either in person or on the telephone, it is advisable to get right down to business.

ON A CONTINGENCY BASIS: Most attorneys will take cases involving damages for personal injuries or serious financial losses for a percentage of the amount the client is awarded. Usually, the lawyer gets one-third of the award if the case is settled out of court, and 40% or more if a courtroom appearance is required. This may seem like a great deal of money, but lawyers receive no payment, except their own expenses, if the case is lost.

Note: Before retaining an attorney, ask how they set the fee and how much they estimate the service will cost. Always get a written contract with the attorney setting out the conditions of the agreement.

MEDIATION

WHAT IS MEDIATION?

Mediation is a way for people to work out their own problems and arrive at an acceptable agreement with the help of trained, impartial mediators who facilitate productive communication between disputing parties. Mediation is a better way to settle differences than violence, a costly and time consuming courtroom battle or ongoing conflict. It is a voluntary settlement process which allows the disputing parties to control decisions that affect their school, friends, family, business, finances, life – rather than having an outcome imposed by a third party such as a judge, jury, teacher, police officer, or other authority figure.

Mediation is particularly effective when an ongoing relationship exists between parties in conflict such as teen/parent, teen/teacher, landlord/tenant, friends, family members, neighbors, etc. Other forms of resolution can solve the problem, but one party may be left feeling they "lost", or were taken advantage of, treated unfairly, or perhaps the relationship itself is damaged forever. This is particularly unfortunate when the disputant must continue to be in the relationship by definition, as with

parents and teens, siblings, business associates, or neighbors. Because the disputants craft the agreement themselves, mediation allows the problem to be solved while maintaining the relationship and allowing both parties to “save face”.

HOW DOES THE MEDIATION PROCESS WORK?

One or both parties contact a dispute resolution service. They will discuss preliminary details about the dispute to determine if it is appropriate for mediation. Then, they will negotiate to bring the disputants to mediation and with the agreement of both parties set up a time and location for the mediation session. During mediation, the parties will have an uninterrupted opportunity to tell their side of the story. Mediators ask clarifying questions to ensure all sides of the dispute are understood. At this point, disputants often feel a great sense of relief and satisfaction because they have been listened to by the other party, sometimes for the first time!

Through a series of mediation techniques, mediators help the disputants break the conflict down to its most basic components, identifying WHY the conflict exists in order to identify interests and needs unmet by the other party which create conflict. It is important to understand that mediators are trained in communication, mediator conflict resolution and collaborative negotiation techniques. Mediators do not determine the outcome, rather they guide the disputants through the mediation process in an impartial and ethical fashion.

Next, issues are examined to determine WHAT must be addresses to solve the problem. The key to mediation is shifting focus away from a limited discussion of positions to discovery of the true interests and issues which drive the conflict.

Finally, mediators guide disputants through a discussion of settlement options (HOW the dispute can be settled) and will assist in crafting an agreement which can be written or oral, binding or non-binding, depending on the wishes of the disputants.

If you have been referred to mediation by the court your written agreement can be entered into the record of the court if you so desire. The Lassen Superior Court has mediation services for family disputes and some juvenile dependency disputes. Often, the Lassen County Probation Department will provide mediation between parents and minor children on problems they can’t resolve themselves. In some cases, the Superior Court Judge talks to teens and parents in an effort to avoid court proceedings arising from family disputes.

WHAT ARE THE BENEFITS?

While the primary goal of mediation is to resolve differences, mediation also costs less than litigation, is quicker than litigation, is confidential avoiding public disclosure of personal problems, allows you to control decisions which affect your life, promotes communication and cooperation, reduces conflict and helps keep relationships intact.

WHO CAN MEDIATE?

Anyone with a desire to settle disputes reasonably and at less cost can reach agreement in mediation. Mediation is effective even when conflict or anger is high and communications has broken down.

HOW THE LAWS CHANGE WHEN YOU BECOME 18

JURY DUTY

You are eligible for jury duty if you are 18 and a U.S. Citizen and are able to read and understand the English language. If you are called to serve on a jury, you must report. Willful failure to comply with a jury summons can result in fines, or in extreme circumstances a few days in jail. Jurors are selected from voter registration and Department of Motor Vehicles records.

VOTING

At 18 you may vote in the precinct where you live. You must register to vote through the county Elections Department at the Lassen County Clerk's Office at least 30 days before the election. You must be a U.S. citizen and cannot be in prison or on parole for conviction of a felony. If for any reason you cannot vote at your regular precinct, such as being away at college, you may vote by absentee ballot. You request an absentee ballot form the County Clerk's office.

TRANSPORTATION

At 18 you are legally an adult and assume sole liability for your own traffic violations and accidents. You must have proof of insurance. If you are a student your parents may be able to carry you on their insurance until you are 24 years old.

MARRIAGE

At 18 you may marry without the consent of your parents or a court. It is important to understand that marriage represents a commitment between two persons and is also a legally binding relationship. Marriage will create obligations of support and a mutual ownership of all property acquired during the marriage. It is wise to have some counseling by a

minister or other professional before taking this major step.

CONTRACTS

When you are 18, you may enter into a legally binding written or oral contract. If you fail to follow the terms of a contract, you may be served with a lawsuit by the other party. Never sign a contract with blank spaces. Read the contract carefully and be sure you understand it. Keep a copy of the signed contract.

CREDIT

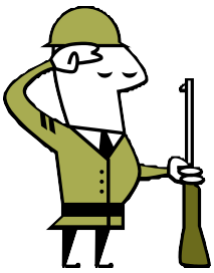
You must pay for what you buy on credit after you turn 18. Your parents do not have to bail you out financially. If you fail to pay your debts on time, the creditor may file a negative credit report against you. There are three major credit history businesses in the United States and almost everyone is listed with a history about whether he or she pays debts on time, or at all. A negative credit report will make it more difficult to borrow money later on. You may also be taken to court for collection of debts you fail to pay.

FIREARMS

You must be 18 to buy rifles or shotguns (21 for handguns.) California requires a 15 day waiting period and a criminal record check for most gun buyers.

TOBACCO

At 18 you may legally possess and use legal tobacco products.



MILITARY SERVICE

If you are a male citizen of the United States you must register for the military service within six months of your 18th birthday. Women are exempt.

GLOSSARY

(Commonly used law terms and their definitions)

BAIL: To procure the release of one charged with an offense by insuring his or her future attendance in court and compelling him or her to remain within the jurisdiction of the court.

BAR: A partition railing running across a courtroom intended to separate the general public from the space occupied by the judge, counsel, jury and others concerned in the trial of a case. Also refers to the attorneys practicing in a community.

BENCH: The seat occupied by the judge in the courtroom.

CITIZENS ARREST: An arrest made by a private person for a public offense, attempted or committed by another, under the provisions of Section 837 of the Penal Code.

CIVIL CASE: A lawsuit involving enforcement of private rights, such as a medical malpractice or divorce, as opposed to a criminal case which involves a charge by the government against the defendant alleging a public wrong, such as murder.

COMMON LAW: The “unwritten” law, a body of court decisions declaring what the law is, was inherited from England and enlarged and changed by our courts. The rule that you are presumed innocent unless proven guilty “beyond a reasonable doubt” is from the common law. Sometimes an attorney will refer to a “case” and mean one of the written court of appeal decisions making up the common law.

CONTRACTS: That body of law governing the agreement process.

CONCENTRATED CANNIBIS: A resinous form of concentrated marijuana sometimes referred to as “Hash” or “Hashish.”

CRIMES: Felony: A crime which may result in imprisonment in the state prison. Misdemeanor: A crime which may result in imprisonment for up to one year in the county jail. Infraction: A breach of a state or municipal ordinance, for which one can be fined.

CROSS-EXAMINATION: Questioning of a witness at a trial or deposition by the party opposed to the side that originally called the witness. This is to test the truth of the testimony given by the witness.

DEBT: Creditor: One to whom a debt is owed.
Debtor: One owing a debt.
Garnishment: Attachment of a debt payable to the judgment creditor, often wages owed, to satisfy a claim against a debtor.

Lien: A claim against the property of another, usually arising out of work done by the claimant on the property, or because of assistance provided.

DEFENDANT: The party against who suit is brought (sometimes known as a "respondent".)

DELINQUENT: A minor person described in Welfare and Institutions Code Section 602, a juvenile who violates a law.

DEPENDENT CHILD: A person described in the Welfare and Institutions Code Section 300. A juvenile is destitute, from an unfit home, victim of physical or sexual abuse, or lacks parental supervision

DIRECT EXAMINATION: The interrogation or examination of a witness by the party on whose behalf he or she is called.

DIVERSION: The alternative handling of selected offenders away from the formal court system to community based organizations as a viable delinquency prevention technique. One example is the Lassen County Teen Court.

D.J.J.: California Department of Corrections & Rehabilitation, Division of Juvenile Justice (formerly known as California Youth Authority (CYA)) A state agency charged with supervising and coordinating the many functions of the state in its dealings with youthful offenders, including the operation of state detention facilities.

EMANCIPATION: The legal status of a minor being freed of parental control; having most of the rights and privileges given to an adult at age eighteen years.

FELONY: A crime which is punishable by death or imprisonment in the state prison.

FILING A PETITION: When a petition is delivered to the clerk of the court and a court date is set for the matter to be heard. This process initiates a court hearing on all juvenile matters.

HABEAS CORPUS: An ancient writ or petition to a court, literally meaning "produce the body," which demands that one who has a person in custody justify the grounds for detaining him. The method by which a court makes sure a person is not illegally incarcerated.

HABITUAL TRUANCY: Any student subject to compulsory education who is absent from school without a valid excuse, on more than three separate occasions in a school year is deemed to be a habitual truant.

INCORRIGIBLE: A juvenile who is beyond the control of his or her parent or guardian. One of the persons described in Section 601 of the Welfare and Institutions Code.

INFRACTION: Those offenses not constituting either misdemeanors or felonies, are infractions. They are never punishable by imprisonment and usually carry a fine or community service as a consequence.

JUVENILE: A person who has not reached the age of majority (eighteen years.)

LIBEL: Written or permanently recorded untruth causing harm to the person about whom the untruth is said.

MAJORITY: The status of having reached age eighteen years. At eighteen years, in the State of California, a person attains capacity to exercise full civil and personal rights.

MINOR: A person who has not reached the age of majority. (18 in California)

MINOR STATUS:

Emancipated Minors: (Fam Code 7002) A person under age 18 is emancipated if:

- The person has entered into a valid marriage, whether or not the marriage has been dissolved;
- The person is on active duty with the armed forces; or
- The person has received a declaration of emancipation under 7122 (Fam Code 7050(e)(1)) An emancipated minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability.

MISDEMEANOR: All crimes which are not felonies or infractions are misdemeanors. A person may be imprisoned in the county jail for up to a year for a misdemeanor conviction and/or pay a fine.

NO-FAULT: System which does away with the need to prove fault in order to prevail or recover damages. No-fault systems have been adopted with regard to divorces and automobile accidents covered by insurance.

NOTICE TO APPEAR: Sometimes referred to as a “Promise to Appear,” is a citation which provides for the release of a person, after being arrested by a peace officer, for an infraction or misdemeanor. The arrested party must sign this document promising to appear at the place and time set forth on the citation prior to his or her release.

PERPETRATOR: A policeman’s term used to describe a person (usually unknown) who committed a criminal act.

PETITION: The document used to initiate proceedings in juvenile court.

PLAINTIFF: The party who brings a lawsuit (sometimes known as a “petitioner” or “complainant”.)

PRO BONO: *“Pro bono publico”* means for the public good. This term is used by lawyers to describe work they do for free, usually because the client is indigent.

PUBLIC OFFENSE: Is an act committed or omitted in violation of a law forbidding or commanding it.

S.A.R.B Acronym for School Attendance Review Board.

SLANDER: Oral untruth causing harm to the person about whom the untruth is said.

SMALL CLAIMS COURT: A small claim varies from state to state, but in California, the upper limit is $7,500. Attorneys are not allowed, you argue your own case before the judge, providing all relevant documents, witnesses or any other material that you feel has a bearing on your claim.

SOLEMNIZATION: The performance of a ceremony uniting a man or a woman in state of marriage.

STATUTE: A law enacted by the State Legislature pronouncing rights, obligations, prohibitions, and procedures for the conduct of personal, business, and governmental affairs. Statutes are divided into "Codes" and, among many, include:

- Business and Professions Codes (B&P C)
- Code of Civil Procedure (CCP)
- Civil Code (CC)
- Education Code (EC)
- Fish and Game Code (F&G C)
- Government Code (Gov.C)
- Health and Safety Code (H&S C)
- Penal Code (PC)
- Vehicle Code (VC)
- Welfare and Institutions Code (W&I C)

TRAFFIC HEARING OFFICER: A person appointed by the presiding judge of the juvenile court to hear and render judgment on juvenile traffic and related matters.

VOIR DIRE ("vwa deer"): Preliminary examination which the court or counsel may make of one presented as a juror or witness to inquire into such things as competency, bias or interest.

WARD OF THE COURT: A person who has been found by the juvenile court to fall within the description of Welfare and Institutions Code 601 or 602.

WARRANT: A legal writ issued by a court authorizing an officer of the law to take action (as in making an arrest, seizure, or search.)

WILLS AND TRUSTS:

Administrator: A person (or bank) who performs the same function as outlined for an executor, but where there is no will.

Conservator: Someone appointed by a court to administer the affairs of a person no longer able to manage his or her own affairs, usually because of illness or advanced age.

Executor: One whose job is to administer the provisions of a will, gather the dead person's assets, pay the bills and distribute the remaining estate according to the will's directions.

Guardian: One into whose care another may be entrusted by a court. Guardians may be appointed to care for children and/or their property.

Intestate: One who dies having no will.

Testator: One who makes a will.

WITNESS: One who testifies to what he or she has seen, heard, or otherwise observed.

WITNESS STAND: Seat occupied by a witness in the courtroom.

NEED HELP?

Emergency……..... 9-1-1
Susanville Police Department……. 257-5603
Lassen County Sheriff…….. 257-6121
California Highway Patrol ……....257-2191
Lassen County Alcohol & Drug Department……. 257-8112
District Attorney Victim Witness Program…….. 257-8218
Lassen Child Protective Services……..(day) 251-8277
……(night)257-6121
Lassen County Probation Department…….. 251-8212
Banner Lassen Medical Center……252-2000
Lassen Family Services…….257-4599
California Youth Crisis Line ……..1-800-843-5200
(Runaway Hot Line)

SELF-HELP CENTER

Everyone needs help at some time in their life. This includes students who have made poor choices and are facing uncertain consequences. The Lassen Superior Court has a self-help center in its Access to Justice Center located in the Hall of Justice at 2610 Riverside Drive, Susanville. At the self-help center you can get information on how the legal process works, including what to expect in a Juvenile Dependency or Juvenile Delinquency proceeding. The self-help center provides on-line access to various legal information sites and has several books to assist you in understanding the court process. This information is free and available to everyone.

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Kelley Merritt, Susanville Chief of Police
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LASSEN SUPERIOR COURT

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