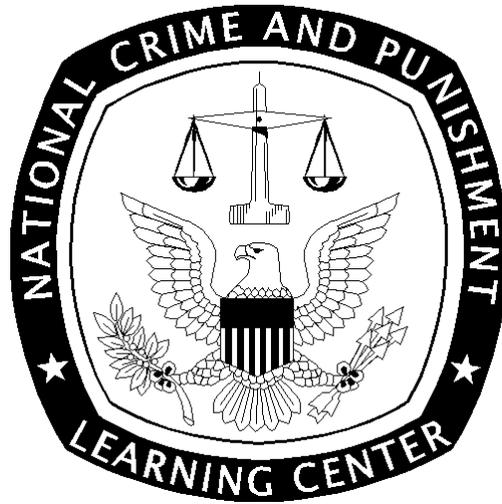


KNOW YOUR STATE LAWS

A Guidebook to Understanding the Juvenile Justice System

1st Edition



KNOW YOUR STATE LAWS
CRIME & PUNISHMENT
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Disclaimer

"All information provided herein is intended for educational purposes only and is not intended to offer any opinion concerning particular legal situations which may affect individuals personally. For specific understanding and advice of the laws of your state, or how those laws concern you personally in any given situation, please consult your personal legal advisor or attorney."

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Forward.....

The **National Crime and Punishment Learning Center, (hereafter NCPLC)** a 501 (c) 3, Nonprofit Organization, has no political agenda and was established to provide free information by way of **Crime and Punishment Charts, (hereafter C.A.P. Charts)** which list the most common misdemeanor and felony crimes and their maximum punishments, fines, and potential jail and or prison time of each offense in each state. The NCPLC is dedicated in its unique and unprecedented endeavor to accomplish this task nationwide by providing this crime deterrent educational information to bridge the learning gap between the Legal Justice System in each state and its citizens, specifically students. The NCPLC's goal is to eventually provide this accurate information to students and citizens in every state annually.

The primary targets for the C.A.P. Charts are all middle schools, junior high schools, high schools and colleges in each state, specifically to assist officers and teachers who are already on the front lines working in the schools with numerous crime deterrent, educational programs such as D.A.R.E., G.R.E.A.T., S.A.D.D., M.A.D.D., McGruff Take a Bite Out of Crime, and Project Alert, etc., with our product. The C.A.P. Chart is also self-explanatory and can even work well as a stand alone if placed in areas of high visibility. The average size of a C.A.P. Chart is approximately 19 inches by 25 inches, on high gloss, 4-color processed and on 8pt. paper. It is actually a print suitable for framing.

Secondary targets in each state are Courthouses, Police Stations, Sheriff Departments, Highway Patrols, as well as YMCAs, Boys and Girls Clubs, and Boy and Girl Scout Troops, 4H Clubs, and various other youth oriented organizations and businesses desirous of displaying the C.A.P. Charts. Education is the key to successful crime prevention. The C.A.P. Charts cover a variety of subjects relating to the punishment of crimes on alcohol, arson, assault, child abuse, drugs, fraud, traffic, theft, vandalism, weapons, and hundreds of others to numerous to list.

The chart is a powerful early intervention, crime deterrent, educational tool that educates students and citizens to the maximum punishment associated with their own state laws. All acquired information for the C.A.P. Chart in each state is obtained with the assistance of various attorney general offices, state agencies, courts, and law enforcement departments. The C.A.P. Charts are paid for by various business sponsors, organizations, foundations, and donations from concerned citizens who share a like vision in regard to educating students and citizens to their state laws. To receive your free C.A.P. Chart or for business sponsorship or donation support information in regard to the C.A.P. Chart in your state please feel free to contact us at your convenience. The C.A.P. Charts are free but a \$5.00 tax-free donation is required prior to shipping to cover the cost of the priority mail shipping, tube and label. For more information on your state C.A.P. Chart visit our web site at: www.CrimeAndPunishment.Net/

Every year old laws are amended, and new laws are created while the state legislature is in session. Our legal system every year becomes more convoluted and more difficult to interpret and understand by common citizens because each year more and more laws are created or changed. If our generation and the generations to follow have any hope of comprehending the laws of the land then the cognitive level of our young people must be raised to a level of a greater understanding of our legal system. These are the goals of the National Crime and Punishment Learning Center.

William H. Sanford
Founder, NCPLC

Introduction.....

One of the problems in our society today is the significant misunderstanding by the public concerning our Justice System. Unless you happen to work in the Justice System you probably are not familiar with either your state laws or your nations federal laws, even if you are considered an adult. The **National Crime and Punishment Learning Center** is the first nonprofit organization established to bridge the gap between our Justice System and the general public, specifically targeting students, in an effort to teach them their state laws and the maximum punishments associated with each offense. Simply becoming familiar with the state laws can become a crime deterrent.

The purpose of this booklet is to give students a better understanding of both the Justice System and the Juvenile Justice System and how it functions and to become more mindful of the importance of understanding the state laws. Every year both the State Legislature and Congress pass new laws and change old laws affecting everyone who lives in America. Laws are important and no one should be considered above the law. This means that all members of society, its citizens, government officials, (including the president, judges, and senators) must all respect and obey our legal system and its laws.

The NCPLC believes that for students to learn to respect the law, they must become familiar with the law and the punishments provided by the law. As children, our parents established rules of the house, and we knew what the consequences were if we broke those rules. Just knowing what the punishment would be was a deterrent to breaking the house rules. No one likes to be punished. However, in our society today, many adolescents are leaving home for school driving a car, owning a checking account and credit card, paying for their own cell phone and even holding down a part time job without being familiar with the laws that govern their lifestyle. If someone asked you what is the cost of a speeding ticket, or the punishment associated with writing a bad check, or using profanity over the phone or in a public place or even shoplifting, would you know? Most would not, unless they had actually found out the hard way, by breaking the law.

There is an old saying that, "*ignorance of the law is no excuse.*" That is to say that it doesn't matter that you didn't know you were breaking the law. When you stand before a judge in a courtroom for breaking the law, you will and should be punished! The "game of life," as some people may refer to our existence, comes down to decisions. We all make choices everyday that determine our future. Knowledge can become a powerful tool in helping us all to make the right choices in life. The wrong choices may easily bring sacrifice and setbacks by way of punishment. The NCPLC hopes you will gain much knowledge from the information contained in this booklet. How you choose to use this knowledge can become the beginning of wisdom.

Where do our laws come from?

The Constitution of the United States of America is the primary foundation for all the laws of our nation, and establishes the separation of powers for the branches of government that create, enforce and interpret these laws. The Constitution is the "Supreme Law of America." As citizens, we must abide by these laws. Through the Constitution, we all enjoy fundamental rights such as freedom of religion, freedom of speech, and the right to bear arms. Each state has their own Constitution that was written by their forefathers at conception. Federal laws govern our entire Nation and all the states, but the criminal laws that fall under a states jurisdiction through the states Constitution govern each state and are called felonies and misdemeanors.

Each year Congress meets in Washington D.C. to vote on new federal laws and changing old federal laws trying to improve our legal system. The changes are called amendments and bills. Most states meet each year at their state legislature to vote on new state laws and changes in old state laws. These new federal and state laws and their amendments carry punishments associated with anyone who violates or breaks these laws. Like our government, most states have three branches of government, the Executive branch, the Legislative branch, and the Judicial branch. Each branch has a different function in relationship to the state laws.

What do the branches of state government do?

The Legislature branch, made up of the Senate and House of Representatives, write the laws and send them to the governor for approval. The Governor is the chief of the Executive branch of government, whose responsibility is to make sure that all laws passed by the state Legislature are enforced. The Judicial branch is made up of the court system. This branch interprets questions about the laws and makes sure those laws do not violate the State's Constitution. The state laws that are passed through this system are called the "Code." The Codes are a collection of state laws passed by the state legislature and approved by the Governor. Each Code is assigned a statute number. A state's Codes can be made up of thousands of different laws that govern everything from state taxes, how to operate a business, or how to behave in society. If a citizen would like to amend or change a law or create a new law within the state, they may call or write their state legislator and voice their concerns.

What are other types of state laws?

Each city has its own laws called city ordinances, which are designed to apply to only that area of the state. For example, these laws could create a special tax or set a curfew for minors. These laws are enforced only in the city where that local law was created.

What is civil law and criminal law?

Civil law is a term used to describe the laws that relate to the way members of society interact with each other. Civil laws may govern how contracts are written between people, or debt owed to someone because of damage to their property. Criminal law is a term used to describe the laws that relate to the way members of society interact with society as a whole. Criminal laws provide strict codes of conduct governing behavior considered to be illegal, such as stealing someone's personal property, robbing a bank, buying or selling drugs, or doing bodily harm to someone. While some of these crimes may only affect certain individuals, society has decided that these crimes affect society as a whole and therefore these crimes as well as many others are called crimes against the state. In some instances a violation of a criminal law can also be a violation of a civil law. When this occurs, a person can be prosecuted criminally and sued civilly.

What is the court system?

The court system is the Judicial branch of government. The courts usually address civil cases, criminal cases, juvenile cases, domestic relation cases, and traffic cases. The court system is used to render verdicts or decisions concerning the interpretation of the law by a judge and or a jury. For example, if you have a dispute with someone over an automobile accident, the court system will decide who was at fault or caused the accident based upon the evidence presented by each side. Each side may have a lawyer represent them who will argue the position of their client. This would be an example of a civil case.

If law enforcement (police, sheriff, etc) believes someone has committed a crime against the state, they may issue a warrant of arrest and charge that individual before a judge with that particular criminal offense. The prosecutor for the state will have to prove in court, beyond a reasonable doubt, that the individual committed the crime. A judge and jury hear most criminal cases. If the individual charged with the criminal offense wishes to plead not guilty and assert a defense, he should hire a lawyer to represent him. If that individual cannot afford an attorney, the court system may appoint one to handle his case and the state will pay for the attorney services. For this to happen, the individual

charged must prove to the court that he/she is indigent or unable to financially afford an attorney.

What if you disagree with the court's decision?

Most states have two levels of courts called the trial court and the appellate court. All original cases are tried before the trial court. In trial courts, each side presents evidence, witnesses, and arguments for their point of view based on laws and precedents from past cases. In all states, these courts are called federal courts and state courts. The jury will make a decision on the case while the judge decides on most applicable laws for the facts of the case. If an individual feels the court has made the wrong decision they may file an appeal. An appellate court will review only the court record of the case (written transcript of the trial) and in few cases, will allow oral arguments by parties about the case to be heard before deciding whether or not the trial court ruled properly with their decision.

What is a jury?

A jury is a group of twelve citizens who are chosen to listen to arguments made by a trial court. These citizens are chosen from a larger group of people representing the county where the trial is being held. These people are chosen at random from voter rolls and registration.

Are there courts for minors?

If a juvenile is under 18 years of age, (minor) at the time of being accused of an offense against the state (criminal law), a juvenile court may hear their case. In this court, there is no jury, only a judge. The juvenile court is part of the Juvenile Justice System, and they do not hear civil cases.

Some states have a teen court as a pre-trial diversion program of the Juvenile Court System that allows minors who have been charged with delinquent acts the option of going before their peers for punishment instead of going to juvenile court. Only first-time offenders under 18 years of age are eligible, and it is only for teenagers. A juvenile, called the defendant, who chooses to participate in teen court, must admit guilt before going to teen court. The teen court is made up of teen volunteers who act as prosecutors, defense attorneys, bailiffs, clerks and jurors. All cases are conducted by teens. The defendant is assigned a defense attorney. The prosecutor and defense attorney will each ask questions to the defendant and then plead the case before the

jury. The teen jury decides the sentence for the defendant, which is then reviewed by the teen court judge. The judge is an adult attorney, or an adult volunteer.

After the judge approves the sentence, the defendant must then comply with the sentence. The teen jury can be creative in its sentencing, which usually requires community service and restitution, but may also include writing an essay or giving an oral apology to the victim. As an incentive to going through teen court, instead of juvenile court, when the defendant completes the sentence, no juvenile crime record is created for the defendant. If the sentence is not completed successfully by the defendant, the case is usually then sent to the juvenile court. The juvenile judge can order the juvenile to detention center and a permanent juvenile record is created. Teen court is based on the premise that most young people want to make right decisions. It uses the positive influence of peer pressure to hold defendants accountable for their actions, and provides an opportunity to make things right.

What is the Juvenile Justice System?

The Juvenile Justice System is a subset of the criminal justice system that focuses on the special concerns and problems affecting young people seventeen (17) years or younger. The system includes many different state agencies, from the Department of Juvenile Justice, State Attorney's Office, police and sheriff departments, the juvenile court, the Department of Youth Services, the Department of Human Resources (DHS), the District Attorney's Office, to the Juvenile Division of the State Circuit Court. Each has their own set of laws that govern the treatment of juveniles.

Juvenile law provides authority for protecting the public from minors who commit offenses and for rehabilitating those minors. A juvenile will come under the jurisdiction of the Juvenile Court if the juvenile has committed a "delinquent" act, or if the juvenile is declared a dependent. In either case, the court can offer care, treatment, and guidance and authorize punishment for juvenile delinquents. The Juvenile Court may retain jurisdiction over a juvenile case until the juvenile reaches twenty-one (21) years of age.

The steps of the Juvenile Justice System are:

1. The juvenile is arrested and referred to the Department of Juvenile Justice.
2. The intake officer at the juvenile detention center decides to release the juvenile to a responsible adult or place juvenile in detention.
3. The DJJ officer will recommend to the state or district attorney for the juvenile's case to be either handled non-judicially or judicially.

4. The state or district attorney in a non-judicial case may decide to dismiss, or for the case to be heard at teen court, or go to arbitration, or for the case to be sent to another diversionary program.
5. The state or district attorney in a judicial case may decide to transfer the case to adult court, or to juvenile court for an adjudicatory hearing (a non-jury trial).
6. At the adjudication hearing (non-jury trial) the juvenile may be released (found not guilty), found delinquent (guilty) and sentenced to (a) commitment, (b) community control, (c) or, other alternative judicial services.
 - a) Commitment includes placement into post placement services such as aftercare, post-commitment community control or furlough.
 - b) Community control includes probation.
 - c) Alternative Juvenile Services includes work restitution, community service, or judicial warnings.
7. Release is when a juvenile has successfully completed their commitment, community control, or alternative services and is released from the juvenile justice system.

When can a police officer arrest someone?

A law enforcement officer, (police, sheriff, etc) may, without a warrant, take anyone into temporary custody (take control of you for a time) if the officer has “probable cause” to believe you are seventeen or younger and have committed a crime, or that you are physically dangerous, or that you are in need of medical or emergency care, or that you may be a runaway.

The following rules should be kept in mind when dealing with the police:

1. Never resist arrest, no matter how unreasonable the arrest may seem. Resisting lawful arrest is illegal.
2. If a juvenile is arrested and taken to the police station for questioning concerning alleged charges or offenses, it is always best to wait until the parents are present before answering any questions.
3. If an arrest is made and charges are filed against a juvenile for breaking a criminal law, the decision to go forward with a lawyer should primarily be left up to parents.

What are the rights of someone who is arrested?

If anyone is taken into temporary custody (arrested) because they are suspected of breaking the law, the officer must tell that individual the reason why he/she is being arrested and explain what that individual's legal rights are before questioning. These constitutional rights are called “Miranda warnings.” The Miranda warning includes giving

the reason for the arrest, telling the suspect that anything the individual says after giving name and address may be used against them in a court of law, and that the individual has the right to an attorney (lawyer) or have a parent or legal custodian present if they are a minor and that if the individual (or the individual's parents) cannot afford an attorney one will be appointed by the court. If the arrested individual decides to answer any questions from the officer after being told his/her Miranda rights, they may do so.

The arresting officer has several options regarding what to do with an individual after questioning. The officer may:

1. Release the individual and take no further action.
2. Release the individual but refer the individual (and parents if minor is arrested) to different services in the community that provide counseling, employment, temporary "shelter care" or other help.
3. Release the individual and send a request in for juvenile court action to the juvenile probation officer.
4. Take the individual directly into custody to the juvenile probation officer for booking into the juvenile justice detention center to be detained.

Based upon a Supreme Court Decision, school officials may question juveniles in their school without informing them of their constitutional rights.

What is juvenile detention and what happens there?

A detention center or juvenile hall is a place for temporarily detaining juveniles who have been accused of committing criminal acts. At a juvenile detention center, the juvenile will appear before a juvenile intake officer or screener and meet with his/her parents to explain the charges and legal rights in more detail. After the initial meeting, the intake officer cannot keep the juvenile in detention unless doing so is necessary to protect the juvenile or others, or their property, or to assure the juvenile appears in court.

After this discussion, the officer may:

1. Decide to take no further action.
2. Refer the juvenile to diversion services in your community.
3. Release the juvenile on six-(6) month's probation as long as certain promises are fulfilled.
4. Detain the juvenile at the detention center in a secure detention section to await an adjudicatory detention hearing.

If a juvenile is detained or released, a probation officer from the Department of Juvenile Justice (DJJ) will want to meet with both the juvenile and his/her parents or legal guardians to discuss possible alternatives for the case. After the meeting, the DJJ may recommend to the state or district attorney that:

1. No further action be taken.
2. Request that the case be transferred to a non-judicial outside court with diversionary supervision or teen court.
3. Request that the district attorney take action against the juvenile arrested and to appear before the juvenile court.
4. Request that the juvenile be prosecuted as an adult.

The state or district attorney may:

1. File a petition for dependency.
2. File a petition for delinquency.
3. Move the court to prosecute the juvenile as an adult.
4. File the case directly into juvenile court, refer the case for diversionary services (non-judicial, mediate sanctions, teen court).
5. Decline to file any charges in the case.

If the state or district attorney decides that the juvenile is to be handled non-judicially, then he can refer the juvenile back to the DJJ where the juvenile may be minimally supervised while completing sanctions, or in some states the juvenile may be referred to teen court.

Juveniles in a detention center may be waiting action by the probation officer, or awaiting a hearing before the court, or awaiting transfer to a state facility such as the Department of Youth Services after a judgement by the court. The length of time a juvenile will stay in a detention center depends on the circumstances in the case. Those circumstances may be to protect the juvenile, or others, or the property of others, or to make sure the juvenile will appear in court. In some cases some states may release a juvenile under a special program of home supervision. If the intake officer decides a juvenile should stay in detention then a detention hearing will be held. At the detention hearing, the judge or referee will listen to what the juvenile and his/her parents or their lawyers have to say, and make a decision whether or not the juvenile will be released and returned to court at a later date, or will remain in detention to await a formal hearing. Some states have electronic monitoring (ankle bracelets) to keep juveniles at home instead of in detention.

What is a juvenile probation officer?

A juvenile probation officer (JPO) is a member of the juvenile justice system established by state law. JPO's work with juveniles who have been referred for violating the law or who need help because of family circumstances. They also provide reports to judges to help them make decisions concerning various cases. The JPO's also supervise juveniles who have been placed on probation by the juvenile court system.

What is juvenile court?

The juvenile courts are a special division of the circuit court within a state. A county or circuit court judge acts as the juvenile court judge in most states. Juvenile court is for young people seventeen and younger who have been referred for violating the law, or need help because of family or personal problems. Ages vary by state, but a juvenile in juvenile court may be an adjudicated dependent, or delinquent, or simply a child in need of supervision (CHINS). Some states call this a WARD of the court. Instead of a judge, the court may have a referee decide the case. A referee is an attorney who listens to both sides and then makes a ruling, which must be approved by the constitutional judge.

A juvenile may be required to go to juvenile court if a petition is filed alleging he/she to be:

a). A **dependent child** meaning;

1. Is in immediate danger in current environment.
2. Is physically dangerous to the public because of mental or physical problems.
3. Lives in a home that is judged unfit because of physical or sexual abuse by parents or guardians.
4. Has been freed for adoption but not formally adopted.
5. Does not have anyone to take care of him/her.
6. Is homeless, destitute or dependent on the public for support.
7. Is without parent or guardian for support.
8. Is neglected by parents or legal guardian.

b). A **delinquent child** means that the juvenile has been convicted of committing a:

1. Criminal violation.
2. Misdemeanor.
3. Felony.

c). A **CHINS** child or **WARD** of the court is a juvenile in need of supervision, meaning that:

1. Is habitually truant.
2. Runs away from home.
3. Continuously disobeys parents.
4. Violates a city or county curfew ordinance.
5. Violates a criminal law.

In a juvenile court, the judge oversees the courtroom proceedings. At these proceedings evidence is presented, oral arguments are made and factual and legal questions are presented to determine the final outcome of the case. Judges are elected officials who are attorneys. They listen to the evidence presented in cases brought before the court, and make rulings according to the law and based on precedents (decisions set in other previous cases).

What happens at juvenile court?

A juvenile who goes to juvenile court with his parents and an attorney will have a chance to tell his/her side of the story of what happened. The juvenile's attorney has the right to bring in witnesses to the courtroom on his client's behalf. The prosecuting district attorney then has the same right to bring in witnesses to offer evidence against the juvenile defendant. All witnesses can be questioned and cross-examined (asked questions by the opposite side) by both the juveniles attorney and the district attorney. After listening to both sides, the judge will decide whether the charges against the juvenile defendant were proven "beyond a reasonable doubt." If the judge finds the evidence was insufficient, and the district attorney did not prove his case against the juvenile defendant, then the juvenile would be free to go. If the judge decides the juvenile is guilty as charged (adjudicated delinquent), then he may request the juvenile probation department prepare a report on the juvenile and his/her family, a description of the offense and a recommendation to the juvenile court for appropriate placement.

What happens to an adjudicated juvenile?

The adjudicated juvenile judge, after reading the report prepared by the probation department, may decide to place the juvenile at his/her home under supervision of a juvenile probation officer. Special conditions of probation can require community service, attend school regularly, pay a fine, pay back the victim for damages, obtain counseling or therapy, or even attend an alternative school. The judge may have the adjudicated juvenile placed in a group home or residential setting to live for a certain period of time. The adjudicated juvenile may be sent to a boot camp program where participating in tough physical training, educational programs, and self-improvement programs are taught alternatively, or he/she may be placed in the custody of the Department of Youth

Services facility (DYS) where juveniles are strictly confined. At DYS, adjudicated juveniles go to school at the facility, participate in physical training and other mandatory activities. Adjudicated juveniles may be held at a DYS facility until their 21st birthday.

The district attorney may petition a court to transfer a juvenile to an adult criminal court for prosecution if they have committed certain violent crimes such as rape, murder, robbery, or have a long record in juvenile court. If the juvenile court grants the petition to transfer the case to adult criminal court, then that juvenile will be tried in a public courtroom. Upon conviction the juvenile may be sentenced to serve time in jail or a prison.

Ages vary per state as to the starting age, but in most states, if a juvenile commits certain violent crimes such as rape, murder, robbery, drug trafficking or uses a weapon to commit these crimes, they will automatically be tried and sentenced in an adult criminal court without going to juvenile court.

What does being on probation mean?

Probation means being released under strict supervision to follow certain rules and conditions set forth by the juvenile justice court system, for a period of time set forth by the court. In some cases, probation can last until special conditions are met that are required by the court. In other cases, time is not set. Probation supervision will continue until the probation officer recommends to the court that it be ended. If a juvenile on probation violates probation (breaks the rules set by the court), that individual can be sent back to court, and the judge may order him/her to be transferred to a Department of Youth Services (DYS) facility. A DYS facility is the equivalent of the Department of Correction for juveniles. DYS facilities strictly confine juveniles committed to them, and provide education, physical training, and other self-improvement programs for juveniles in their custody. Such programs include both individual and group counseling sessions. A juvenile on probation may be kept on probation until his 21st birthday unless he is transferred to adult court in which case the probation can be extended. Probation is supervised by a DJJ officer who may decide where the juvenile can go, who to associate with, and what activities he may participate in. The juvenile will usually be tested for alcohol or drugs. The juvenile will have to report to the officer on a regular basis, and provide proof that fines are being paid, restitution made, or complete any assigned community service requirements. The juvenile must abide by the curfew set by the court, unless the parents or guardians have set an earlier curfew.

What is a serious juvenile offender?

If a juvenile is found to be a serious juvenile offender, then that individual will be confined to DYS for a minimum of one (1) year. A minor is a serious juvenile offender if he/she is delinquent and that the delinquent act or acts charged in the petition would constitute any of the following if committed by an adult:

1. Class A felony.
2. A felony resulting in serious physical injury.
3. A felony involving physical force or one involving the use of a deadly weapon, or dangerous instrument burglary in the third degree.

What is an attorney?

Attorneys are individuals who have studied the law in a law school, have passed an examination to be admitted to practice law, and are licensed to practice law in accordance with state requirements. Another term for attorney is lawyer. There are several ways attorneys earn their money. They may charge a predetermined, fixed amount for a specified case, such as making a will, filing an uncontested divorce, settling a bankruptcy petition, or searching a title for a parcel of real estate. An attorney may charge by the hour. Some fees may range from \$50 per hour to \$500 per hour or even higher depending on the attorney's experience and expertise. Telephone calls count, and usually so does time spent discussing the case over lunch or dinner. Therefore, when consulting a lawyer professionally, either in person or over the telephone, it is advisable to get right down to business.

In civil cases, some attorneys charge on a contingency basis. This option is not available in criminal cases. Most attorneys will take a civil case involving damages for personal injuries or serious financial loss for a percentage of the amount the client could potentially collect from the other party. Usually under this basis, the lawyer receives 40% (or less) of the award if the case is settled out of court and 50% if a courtroom appearance is required. This may seem like a great deal of money, but lawyers charging on a contingency basis, usually receive no payment for their services if they lose the case.

Note: Before retaining an attorney, ask how the attorney sets fees and how much the attorney estimates the services will cost.

If an individual is charged with a crime, they will need an attorney who is familiar with criminal law to defend them and to present their side of the case. If anyone cannot afford

an attorney, they should tell the court, and the presiding judge, after establishing that the individual charged or his parents can not pay an attorney, will appoint an attorney to assist the defendant.

What is the job of a prosecutor?

A prosecutor (district attorney) is an attorney who represents the state in criminal cases, and presents evidence and witnesses to prove that the individual charged actually broke the law. The district attorney is an elected official, and appoints Deputy district attorneys to assist in prosecuting cases in the county where he serves.

Can a juvenile court record be sealed or destroyed?

Sealing or destroying a juvenile court record is not automatic. You must ask (petition) the court to have the court records sealed. If the case has been closed for two (2) years, in most states, and the juvenile has not committed a felony or crime of moral turpitude during that time, then that individual may contact the Social Services Agency or Juvenile Probation Department and request that the court records be sealed. In most states, at age twenty-four (24) after petitioning the court, the court records may be destroyed provided the individual has remained out of trouble with the law.

Other agencies such as the FBI, the Department of Public Safety, and schools do not usually seal their records. A juveniles future may be affected by a bad driving record or school record, and it can be used against them in gaining a good job or entering into the military service. If a juvenile has a juvenile record and is asked on a job application if you have ever been convicted of a crime technically the answer is NO, because being Adjudicated Delinquent is not equivalent of being a criminal.

What is a crime?

A crime is committed when an individual does something the law says not to do or by doing something the law says you must do. There are three main types of state laws or crimes. They are:

1. Felony. A felony is the most serious crime and can result in commitment to a state prison for one (1) year or more.
2. Misdemeanor. A misdemeanor is a less serious crime and cannot result in commitment to a state prison but rather to a county or city jail for no more than one (1) year.

3. Violations. A violation is the least serious crime and the sentence for these may result in loss of liberty, but no longer than 3 to 6 months in most states in the most extreme cases. Most of these laws are written for first offense up to 30 days in jail and/or with a fine.

A court may determine the seriousness of a crime. For example, in most states simple assault is a misdemeanor, but aggravated assault is a felony. (See legal dictionary for definitions of simple and aggravated assault)

What happens if you did not know you broke a law?

Someone who breaks the law is still guilty of a crime. Not knowing a law is no excuse for breaking the law. Otherwise, anyone committing a crime could simply say, "I did not know I was breaking the law." No one would be safe if this excuse was allowed. This is why it is so important at a young age to become familiar with your state laws and the punishments associated with these offenses. The amount of punishment involved with an offense shows the degree of wrong associated with the crime. An individual should ask themselves if what they are about to do will harm or injure other persons or property. If so, it is probably against the law and discretion should be exercised. If someone helps or encourages another to commit a crime, that individual may also have to go to court and may also be charged with aiding and abetting. If someone is with an individual who commits a crime, that individual could be charged with a crime if they do not try to prevent the individual from committing the crime.

What if a false report is given to the police?

It is a crime in all states to make a false report to the police or give false information, whether written or verbal. To turn in a false report for a fire or to call 911 with a false emergency, is against the law. In some states, this can be a very serious crime. To turn in such a report could put the lives of firefighters, police officers, and even paramedics in serious jeopardy as they rush to save someone. Additionally, if an individual is ever questioned as a witness by a police officer, or in court, they must always tell the truth in their statement. To lie would be to commit a serious crime. Making a false report about the planting of a bomb or explosive in the school in most states is a felony and a very serious crime. It is against the law to make even a threat about planting a bomb anywhere.

Note: To become more familiar with your state laws and what is a crime and what is the maximum punishment for that offense, please read your State Crime and Punishment

Chart (C.A.P. Chart). That is why the NCPLC works so hard to provide the C.A.P. Charts as a powerful educational and crime deterrent tool.

What is a deadly weapon?

A deadly weapon is anything designed for the purpose of inflicting death or serious physical injury. Such items include but are not limited to, a pistol, rifle or shotgun, a switchblade knife, sword or a dagger. Other items that may be considered a dangerous instrument, under certain circumstances in which they are used if causing death or serious physical injury may include a car, a pencil or pen, or even a rock.

It is illegal in all states for anyone to give, sell, or in any way transfer to a minor a handgun or firearm. There are both federal and state laws against this. In most states a juvenile under eighteen (18) years of age may not buy, or even possess a firearm, BB gun, or even a gas-operated gun. A juvenile may NOT have a concealable firearm and not even an adult may hide a concealable weapon in their car or on their person unless they have a special permit issued by the state. A juvenile may not transport a loaded firearm of any kind on their person, in a vehicle, or in a public place. Juveniles may not possess or transfer ammunition, and it is against the law for any adult to transfer ammunition to a minor. Juveniles may not possess sling shots, pistols, Bowie knives, metal knuckles, throwing stars, blackjacks or billie clubs, nunchakus, or any like device. In most states, if any of these weapons are brought on school property by a juvenile, they will be referred to the criminal or juvenile system and be subject to up to one year expulsion from school.

It is against the law for anyone to shoot any firearm from or upon a public road or highway, or in a city. It is also against the law to shoot a firearm at a house, vehicle, building or aircraft. If someone is killed as a result, that individual may be subject to the death penalty or life imprisonment in many states.

Juveniles may not transport, possess, buy, or sell any explosives, and this includes firecrackers. It is also against the law to threaten anyone verbally, in writing, or with any deadly weapon or dangerous instrument. If a juvenile threatens someone on school property and puts them in fear of harm, with or without a weapon, school officials may notify law enforcement and that juvenile may be suspended.

What is an alcoholic beverage?

An alcoholic beverage is any drink that has at least ½ of 1-percent alcohol. Ethyl alcohol, the active ingredient in alcoholic beverages, acts as a depressant. Alcohol is considered

a drug. There are four (4) types of alcoholic beverages: beer, wine, fortified wine, and liquor, each containing different amounts of alcohol. It is against the law for a juvenile to buy alcoholic beverages, and in most states, the legal age requirement to purchase an alcoholic beverage is 21. Any store must ask for an ID from an individual purchasing alcoholic beverages. If that individual appears to be under 21 years of age and if an ID or proof of age cannot be given, it is against the law for that store to sell the alcoholic beverage.

It is against the law for a person in most states under 21 years of age 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.
2. Enter and remain in a bar without lawful business causing delinquency of a minor.
3. Be hired to work in any place where the main business is selling alcoholic beverages to be consumed on the premises.
4. Be employed to work at any place where the alcoholic beverages are for off-premises consumption, if the employee is under nineteen (19), unless that juvenile is under continuous supervision of a person 21 or over.
5. To use a false ID or someone else's ID to purchase alcohol.

It is against the law for anyone regardless of age to:

1. Be in the company of an intoxicated juvenile.
2. Have an open alcoholic container in a car, whether someone is drinking it or not, or to be on drugs and/or to be drunk or drinking while driving any vehicle (car, boat, airplane) under the influence.
3. To drink, sell, possess, or give any alcoholic beverages to any person on public school property.

Failure to abide by these laws in most states can result in a loss of ones drivers license for up to a year.

What are other dangerous drugs?

Hallucinogens, including marijuana, LSD, peyote, PCP (angel dust) and stimulants (uppers), sedatives (downers) and Narcotics such as heroin, opium, morphine, and methadone are examples of dangerous drugs and are all illegal except by prescription from a doctor.

It is also illegal to:

1. Use, possess, transfer, sell, give away, or offer any narcotics or dangerous drugs.
2. To be under the influence of dangerous drugs unless a licensed person prescribes them.
3. Encourage, try to sell to, or force any minor to break any of the narcotics laws.
4. Make or use a false or charged prescription.
5. Plant, cultivate, harvest, dry, or process marijuana or other controlled drugs.
6. Possess any instrument or means used to inject any illegal drug.
7. Sniff glue or cement containing 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 used or smoked.
11. Most states have laws against selling or being in possession of drug paraphernalia.

In most states, it is legal for school administrators or law enforcement to visit schools unannounced to search for the presence of illegal drugs by students, whether on them, in lockers or desk, etc.

What are the laws concerning tobacco?

All states now have laws concerning tobacco use and minors. Penalties vary by state, but it is unlawful to sell or give cigarettes or any tobacco products to juveniles. Ages may vary per state, but it is illegal for a juvenile to purchase, use, possess or transport tobacco products. Minors who break these laws can be cited and issued a fine, or even forced to do community service as well as having to complete certain anti-tobacco programs. Sale or gift of tobacco products from a minor to a minor is referred to juvenile court. All other tobacco offenses are referred to municipal, city, or justice court.

Almost all public places, (office buildings, courthouses, museums, even school property) have been designated "smoke-free." Many stores and restaurants are also smoke-free. If you are smoking in such a facility, the management has the right to ask you to leave. The sale of single cigarettes or open cigarette packs are illegal. Illegal sales to minors include cigarettes, cigars, dip, chewing tobacco, and cigarette rolling paper. Any tobacco or tobacco product can be seized by a law enforcement officer if in the possession of a minor.

What are parent's rights and responsibilities?

In most states parents or legal guardians have the right to “custody and control” of their minor children until they are nineteen, get married, join the military, or are declared by a court to be legally “emancipated.” Emancipation means that a minor can do things like adults such as enter into a contract. In the case of divorce, adoption, or removal from parents control the courts will make other arrangements.

Custody and control means that the parents must provide necessary food, clothing, shelter and medical care. They must also provide supervision, discipline, protection, and furnish support and education according to what they can afford. It is against the law for parents to desert or abandon their children.

Custody and control also includes the right of parents to discipline, which may include spanking. Parents have the right to be strict as long as they do not endanger their child's health and welfare, or seriously injure or punish. Parents have the legal right to determine where their children live. Parents, because they are caregivers also, are entitled to services and earnings from their children for household expenses and/or care of their children if that juvenile is earning money. However, parents may give up their right to their children's earnings if they want to, or if that juvenile becomes married or otherwise emancipated.

Usually, if a child is willed money or property, the parents have no right to take possession of it, unless a court orders them to use the money to help with the child's care, support, or education. A guardian must be appointed by the court to receive and manage the property.

Parents have the right to take back gifts given to their children in situations they feel would pose some danger to their child. Parents may even restrict the use of a gift as discipline. A child may continue to maintain ownership of the gift, but the parents have the right to maintain possession until the child is eighteen (18).

While parents may have little direct say about what ends up in public school curricula, federal law has given parents clear rights to exempt their children from experimental or values-related classes that depart from academics. The Hatch Amendment (passed in 1984) was designed to reinforce parental control of their children's education. Based on the Hatch Amendment, parents may have their child excluded from experimental programs.

The Hatch Amendment, also known as the Pupil Rights Amendment, says parents have the right to inspect all instructional material, including that used in experimental or testing programs. Unless parental consent is given, no student shall be required to submit to any kind of test designed to reveal information concerning political affiliations, potentially embarrassing psychological problems, sexual behavior and attitudes, illegal and anti-social behavior, critical appraisals of family relationships, legally privileged relationships (such as those with a minister or doctor), and income.

Parents can also have control over and can accept delivery of their children's mail. (U.S. Postal Service Domestic Mail Regulations, Sec. 153.22)

What are the responsibilities of juveniles in school?

Most all public schools have the presence of law enforcement officers to enforce both state and local laws. With legal rights, come legal responsibilities. While on school grounds or under school supervision a juvenile is required and responsible to:

1. Obey all laws and school rules and directions of teachers and others in authority.
2. Attend school regularly and on time.
3. Observe good orders of behavior.
4. Respect teachers and others in authority.
5. Be kind and courteous to other students.
6. Follow schools rules.

Most schools have a student handbook that explains the rules of conduct concerning "good cause" for suspension or expulsion. While on school grounds, or under school supervision, a juvenile is required to avoid unlawful activity and must not:

1. Use profanity (foul language).
2. Abuse school employees.
3. Possess or drink alcohol, drugs or tobacco.
4. Commit an obscene act or use suggestive sexual behavior.
5. Gamble or use bribery.
6. Defy authority or cause others to defy authority.
7. Theft to someone's private property, or school property.
8. Possess or use a cell phone or beeper.
9. Possess, sell, or provide a firearm, knife, explosive, or dangerous weapon or object.
10. Threaten harm to anyone or private property or school property .
11. Cause physical harm to or damage to persons, private property or school property.

A juvenile can be suspended or expelled for these acts, and both he and his/her parents/guardians can be held financially responsible. If a student is expelled from school, he/she still has to go to school. Most states offer alternative schools. If an alternative school is not available, then a private school, or tutor, or even another school in another school system, must be considered.

What are a student's religious rights?

All legal rights under the law have certain legal responsibilities in which those rights may, or may not be, carried out or applied. A student's religious legal rights are no exception. Under the Constitutions First Amendment, the Equal Access Act, and other Supreme Court decisions, a student's religious and legal rights are guaranteed on a public school campus by Federal law are:

1. The FREEDOM to meet with other religious students for Prayer, Bible Study and Worship. The Equal Access Act allows students the freedom to meet on campus for the purpose of discussing religious issues.
2. The FREEDOM to organize religious clubs on campus, if school officials allow other non-curricular clubs such as chess or scuba clubs.
3. The FREEDOM to identify their religious beliefs through signs, or religious messages and symbols on clothing.
4. The FREEDOM to talk about their religious beliefs on campus. Freedom of speech is a fundamental right mandated in the Constitution and does not exclude the schoolyard.
5. The FREEDOM to distribute religious literature and tracts on campus. The Equal Access Act allows students the freedom to meet on campus for the purpose of discussing religious issues.
6. The FREEDOM to pray or have voluntary prayer on campus. Students may pray alone or with others, if it does not disrupt school activities or is not forced upon others.
7. The FREEDOM to carry or study religious literature (Bible) on campus. The Supreme Court has said that only state-directed Bible reading is unconstitutional.
8. The FREEDOM to do research papers, speeches, and creative projects with religious themes. The First Amendment does not forbid all mention of religion in public schools.
9. The FREEDOM to be exempt. Students may be exempt from activities and class content that contradict their religious beliefs.
10. The FREEDOM to celebrate or study religious holidays on campus. Music, art, literature, and drama that have religious themes are permitted as part of the

curriculum for school activities if presented in an objective manner as a traditional part of the cultural and religious heritage of the particular holiday.

11. The FREEDOM to meet with school officials. The First Amendment to the Constitution forbids Congress to make any law that would restrict the right of the people to petition the government (school officials).
12. The FREEDOM to live according to their religious beliefs while on campus.

The Supreme Court has consistently upheld the rights of students to religiously express themselves on public school campuses. In 1969 the Supreme Court held that students have the right to speak and express themselves on campus. Then in 1990, in the *Westside Community Board of Education v. Mergens* decision, the Supreme Court held that Bible clubs and prayer groups can meet on public secondary school campuses. This case interpreted the Equal Access Act, which Congress passed in 1984 to insure that high school students were not discriminated against in the public schools because of their religious beliefs.

In 1995, 1998 and 1999 by order of the President of the United States, the Department of Education issued federal government guidelines to every school district in the country acknowledging that students have:

1. The Right to engage in prayer and religious discussion.
2. The Right to participate in "See You at the Pole", and other events before and after the school day.
3. The Right to organize and conduct baccalaureate services and express religious sentiments when speaking in a private capacity.
4. The Right to study about religion, including studying the Bible and other religious works, for purpose of instruction in history, literature, and religion.
5. The Right to express their religious views and address religious themes in the completion of assignments.
6. The Right to share with others copies of religious literature.
7. The Right to be excused from school attendance as required by the teachings of their religion.
8. The Right to be released from school for religious instruction, if such a program is permitted under state law.
9. The Right to wear clothing and accessories mandated by their religion, or which depicts messages about their religion.
10. The Right to have equal access to the club program if there are other non-curriculum related clubs.

A Supreme Court decision has several meanings in our system of government. A decision is binding on all lower courts, both federal and state. This means that they must

follow the Supreme Court ruling when the facts are similar. There is no appeal from the Supreme Court, once the Supreme Court rules in a case, it becomes the law of the land.

(For more information read Students' Legal Rights, On a Public School Campus by J. W. Brinkley and Roever Communications, P.O. Box 136130 Fort Worth Texas 76136 and Students' Rights and the Public Schools by the American Center for Law and Justice, ACLJ, P.O. Box 64429 Virginia Beach VA 23467-4429)

What happens if a juvenile decides to skip school?

A juvenile must attend either a public or private school on a regular basis, unless they have a legitimate excuse or are being home schooled. Each school board sets the number of unexcused absences that will be allowed. With exception to home schooling, if a juvenile is missing from school regularly they will be reported as absent without cause. The school attendance officer may file a petition with the juvenile court to declare the juvenile truant. A truancy petition can be filed against the juvenile, and he/she will have to appear in court with his/her parents or guardians. If this happens, the juvenile may be taken into custody and even charged with truancy. The juvenile may be ordered to attend alternative school, do community work, participate in counseling with his/her parents or legal guardians, or perform other sanctions ordered by the juvenile court. Parents may be made a party to the case and upon adjudication may be required to perform certain acts for the child's best interest such as attending counseling, or participating in school activities. It is also possible that a juvenile could have their driver's license suspended or denied.

If the juvenile does not successfully complete the sanctions ordered by the court in the truancy petition, the case may be referred (adjudicated) as CHINS, a "Child In Need of Supervision." If this happens, the juvenile and parents/guardians may be required to pay a fine and/or participate in treatment. The juvenile may even be removed from the custody of the parents/guardians, and placed in the custody of another adult or juvenile detention center. If the parents of the juvenile do not compel the juvenile to attend school, they may be found guilty of an infraction of the law and subject to prosecution. Parents/guardians who have refused to abide by the state education laws, or have failed to cooperate with the courts, also can be prosecuted for neglect or for contributing to the delinquency of a minor.

What is suspension and expulsion?

Suspension is temporary removal from school. A student may be suspended from class by the principal of the school for "good cause" or when other means of correction fail to bring about proper conduct. If the principal suspends a student, he must notify his/her

parents and meet with them to discuss the reason for the suspension, what rules were broken, and how long the suspension will last. Each state and each school has its own laws governing code of conduct, penalties, and school suspension.

Expulsion means that a student will not be allowed to attend school as punishment for violating a school rule. The school board must hold a hearing and approve any expulsion action. When a student is expelled from one school, they can not attend any schools in that school system. When expelled for a firearm, the student will not be allowed to attend any school in the state except for an alternative school. Generally the student will be prohibited from entering back on to the school grounds and from participating in any extracurricular activities or sports. The student's drivers license may be suspended as well.

What is the job of teachers and administrators?

Generally, the responsibilities of teachers and administrators are determined by the schools' board of education. Every teacher in the public school system must follow the course of study, use certain textbooks, and support the rules and regulations required by law. 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 students and property. Teachers have the responsibility to report known or suspected child abuse or neglect. The school cannot permit the breaking of state or local laws and must insure that school rules are obeyed.

School corporal punishment (spanking) rules are set by the school board. If a school board adopts a policy of corporal punishment, the teachers are authorized to administer the punishment. Corporal punishment is the moderate use of physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce the rules of the school. Paddles must be of a specified size and made of wood. A written explanation of the reason for the punishment have to be provided to the parents and guardians. If a parent or legal guardian objects to corporal punishment, they must notify the school in writing each year of that objection.

Are parents responsible for their children's damages?

Parents may be liable for property that their children damage. In certain cases parents may be required to pay for their children's acts that cause injury or damage to another person or to any property. Both the child and parents are responsible for damages to school property or books lent but not returned. Remaining on school grounds after

school is dismissed, except for reasons of lawful business, maybe considered loitering, which is a misdemeanor.

What happens if parents abuse their children?

If a child is abused, neglected or has no one to take care of them, that child may be taken into custody by a police officer. A social worker with the Department of Human Resources (DHS) will interview the child and parents before deciding what action to take. The social worker may decide to return the child to the parents, or to arrange for the child to be placed in a foster home for up to 72 hours before a hearing in juvenile court. After the hearing, the court will decide what to do. The court can rule to dismiss the case, or find the child to be a dependent child. If the child is ruled to be a dependent child, the court will require arrangements for proper care and supervision for the child until he/she is eighteen (18) years old, and sometimes twenty-one (21) years of age in special circumstances.

A juvenile is neglected or abused when parents/guardians:

1. Fail to provide food, clothing, shelter, medical or remedial care.
2. Abandon or desert the juvenile.
3. Fail to provide support and an education.
4. Inflict or allow physical pain, mental suffering, cruel or inhuman corporal punishment or injury that results in bodily harm.
5. Permit the life, body, or health to be placed in danger of harm.
6. Commit sexual acts upon or in the presence of.
7. Involve the juvenile in preparing, distributing, or selling obscene material.

If any adult knows of any neglect or physical, emotional, or sexual offenses against a minor, it must be reported at once to the police or DHS. If such neglect or abuse happens at home, or any other place, the victim can report it to the police or someone they trust and must cooperate with the police as a witness. Even if someone threatens to harm a juvenile for telling about the abuse, that individual should report it for their own protection and safety.

Professional people such as doctors, teachers, social workers, etc., are required by law to report all suspected child abuse. Not reporting it is a misdemeanor, and professionals may be sued for damages in a civil court for failure to report. Concerning private citizens, state laws vary, but for the sake of the child, all citizens are encouraged to report any suspected child abuse or neglect cases. Persons reporting suspected cases of abuse or neglect in some states do not have to give their name.

If a report of neglect or abuse is verified or confirmed, the DHS attorney will file a petition in juvenile court to have the child removed from the home if conditions are unsafe. After evidence is presented and the court finds the child to be dependent, the child may be placed in a foster home until a permanent placement is agreed upon. If appropriate services can be provided to the family, the child may be returned to the parents. If not, the child may be placed with relatives. If these options do not work, the parents' parental rights may be terminated and the child placed for adoption.

What is a tort?

By law, every person has a duty not to harm other people or damage their property. A tort is committed when someone fails in their duty of care towards another, and injures that person or causes damage to their property. If someone is careless, it doesn't matter if the injury caused was by accident or on purpose. The person injured may sue that individual in civil court, and if that individual is a juvenile, then even his/her parents can become part of that lawsuit and assume the liability. The court may levy fines and even require payment for damages. Torts are the laws of private wrongs governing the behavior of persons and setting out their obligations toward each other.

Some examples of torts are:

1. Assault, which is the unlawful attempt to touch or hurt another person.
2. Battery, which is the intentionally and actual touching of another person without their consent.
3. False Imprisonment, which is keeping someone in a room, car or other place against their will, so that they cannot get out or leave.
4. Trespass, which is intentionally going on to property that does not belong to an individual that they do not have the right to be on.
5. Defamation, which is the unlawful written or spoken attack on the reputation or good name of someone.

Most state laws do not distinguish between minors and adults when it deals with civil responsibility for torts. This means that if an individual is of an age to know the difference between right and wrong, they may be sued in civil court for the damage caused by their tort.

In most states, if a juvenile is under eighteen (18) years of age, then their parents may be liable in some situations for intentional injury their child may cause to a person or property. The liability may be more, if the juvenile uses a firearm. If someone is hurt through the carelessness (not on purpose) of a juvenile, then the parents are only liable if they knew or should have known that the juvenile was likely to cause the damage, and

were careless in guarding against it. Juveniles may be held primarily responsible even if the parents are liable as well.

Any individual may be held responsible if their carelessness causes an accident. If an individual was careless, then he/she will be responsible for the damages resulting from their careless acts. Any minor may enforce a legal action against another, but that legal action must first be started by their legal guardian or parent.

What is a contract?

A contract is an agreement or set of promises between two or more people to legally do or not to do something. Contracts usually involve money, services, or property and may be verbal or in writing and enforced in court. The most common example of contracts are those that have to do with buying and selling different items, such as cars, bicycles, houses, or land. Any item, which is purchased on time with payments that have to be made, will involve a contract.

While age varies per state, anyone 18 years of age or older may legally sign a contract. Some states, allow a younger age to enter into an agreement some with restrictions. Usually someone under the age of 18 cannot enter into a contract to purchase real property, houses, lots, land, or personal property. Agreements that would be excepted, would be for a juvenile to sell his/her own bicycle or skateboard or any contract that has been authorized by a court. In most states, the reason most businesses will not enter into a contract with a minor, is because the minor has a right known as “disaffirmance”, that is the right to call off a contract. Other examples of contracts that a minor may not call off are for creative or artistic services or for the right to music, literary, or dramatic works. In most states, if a minor is living away from home, he/she may enter into contracts for the necessities of life, such as an apartment, household items, clothing, medical care, or for the necessities of life. College loans cannot be disaffirmed. Such contracts are binding in most states, and a minor will be treated like an adult for their legal obligation’s in a court of law.

What are the laws about going hunting or fishing?

In most states any juvenile over sixteen years of age must have a license to hunt, and a juvenile under twelve (12) years of age may hunt but must be accompanied by a licensed adult over twenty-one (21). Between the ages of twelve (12) and sixteen (16) years of age, a juvenile must have a Hunter’s Certification I.D. card. This is required before they may hunt any game bird or fur-bearing animal. In most states, anyone born after a certain date and is twelve (12) years old or older is required, through the Department of Wildlife, to take a Hunting Safety Training course to obtain a Hunter

Certificate I.D. card. This I.D. card must be shown when acquiring a hunting license. When hunting, all hunters must carry their Hunting License and Hunter Certificate I.D. card and be ready to show them when asked. Ages may vary in each state concerning hunting licenses and hunter certificates. Contact your State Department of Wildlife for more information. In most states, to obtain a hunting license an individual must have a valid driver's license, or other proof of residency and if born on or after a certain date, proof of a hunter safety course. The Certificate is earned by attending a class on hunter safety, conservation and sportsmanship. A teacher approved by the Department of Wildlife teaches the course. It is against the law to sell or buy any bird or animal taken under a hunting license.

In most states, if an individual is under the age of sixteen (16) or over the age of 65 with a valid drivers license or proof of permanent residency, they may not have to obtain a fishing license. An individual over sixteen (16) and under 65 years of age, will have to have a fishing license. They may fish without a license in the county of their residence at a free fishing pond or commercial or private pond. Like a hunting license, a fishing license must be carried on the individual and shown when asked. Both fishing and hunting licenses are usually sold at sporting good stores and are usually good for a year. Fishing laws also govern the size, and amounts of certain game fish that can be caught, and fines are issued to violators. To make sure, contact the Department of Fish and Wildlife in your state.

What are the laws about boating?

All states have laws that control the use of boats and other small craft on the waterways and reservoirs. In most states, everyone must have a Boating Safety Certificate if they were born after a certain date to legally operate a boat. In most states, any one under twelve (12) years of age may take the course, but while under twelve, must be accompanied by an adult when operating a motorized boat. Anyone requiring a Boat and Water Safety Certificate must carry the certificate on board and be ready to show it if boarded by the Marine Patrol or Coast Guard. Also, anyone under the age of twelve (12) must wear a personal flotation device (Pfd) on any vessel under 26 feet in length while underway. The operator must know how to operate the boat safely and know speed limits, and how, where, and when to tow skiers. There are laws, which govern safety equipment (fire extinguisher), number of personal flotation devices (Pfd's), and proper boat lighting. There are also laws against waste disposal and litter into the water. In many states, operators of jet skis must wear life jackets. It is against the law to operate a boat under the influence of an alcoholic beverage, and punishment is severe. The boat operator may receive a citation (ticket) for breaking any waterway laws, and may have to appear in court and pay fines for various violations. The operator of a boat could also be

sued for injuries to persons or property damaged by their boat. For more information about the Boat and Water Safety course and state boating laws contact your State Boating Law Administrator.

What are the laws about camping?

Anyone may camp in public areas that are designated for camping. This includes national parks, state parks, and other areas set-aside for camping. Most cities in our country have laws against camping in city parks. Camping on private property without permission is called trespassing and is against the law. It is also important to follow the rules for campers in parks that allow camping such as, not to litter (leave the park as you find it, if not better), hours of operation, use of fire, fishing, pets, hunting, or noise and other ways of disturbing the peace. Always check the rules before setting up camp. Parks are public places for everyone to use and enjoy. In addition to county laws, most cities have their own rules posted in their parks concerning closing times, use of bicycles, or motor vehicles, guns or weapons, loitering, moral offenses and the use of drugs and alcoholic beverages.

What are the laws about pets?

The owner of a pet must keep the animal safe from harm and make sure it receives the care it needs such as food and water. Any dog over three (3) months of age must be vaccinated for rabies annually and have a dog license. The animal must be on a leash when on public property and when outdoors in many cities. There are laws against animal abandonment or cruelty such as causing any animal to fight another animal. Dog and cock fighting for pleasure or profit are against the law. It is also against the law to capture a bird, fish, reptile, or other animal in the wild and to take it as a pet. Check with the county health department for local rules governing your pet.

What are the laws about having parties?

Fighting, loud music, rowdiness, uses of alcohol and drugs come under “disturbing the peace” or laws against the use of alcohol and drugs. If neighbors call the police and complain about a party, the police have the right to come and ask everyone to disburse (leave) from the premises, and even make arrests for certain conduct. Additionally, it is against the law to continue a party past curfew. Remember, parents or guardians are responsible for what goes on in their home, even if they are not aware that their children are having a party while they are gone.

What are the laws about curfew?

Curfews are set concerning the time at night minors are not allowed on public streets without lawful business. These times are set normally at night and sometimes during school hours. Curfews may be set as a condition of probation, by parents or the juvenile court, by statute, or ordinance of a municipality. During natural disasters, curfews may be set to keep people off the streets prevent looting in affected areas.

What is incorrigible?

A juvenile is considered incorrigible if they consistently refuse to obey reasonable request of a parent, guardian, or others in authority such as police or school personnel. Most law enforcement agencies try to handle family related problems that arise from incorrigibility through community based services.

What is emancipation?

A juvenile can be emancipated or freed from their parents or guardians control when they reach 18, enter the military, get married, or have a circuit court declare emancipation. If a juvenile is emancipated, they are treated as an adult and take on the responsibilities of an adult. However, they cannot buy, sell, or consume alcohol until they reach the age of twenty-one (21). Even after emancipation, if a juvenile is married and commits a crime while under eighteen (18), their case may still be handled in the Juvenile Justice System instead of adult criminal court.

In order to have a circuit court declare a juvenile emancipated, there must be an emancipation hearing. The juvenile must first be a specific age, be willing and able to live apart from their parents or guardians with their consent, and have a legal source of income for their support.

What are the laws concerning bicycles?

A bicycle is any vehicle that has two wheels, one behind the other, handlebars for steering, a seat, and is propelled by the action of a rider's feet on pedals. There are special laws for bicycle riders. Every person riding on a bicycle on a roadway or a paved shoulder of a roadway, must obey all traffic laws that a driver of a car has to obey. This means that a policeman may stop the rider for breaking any rules of the road. Bicycle riders should ride with the traffic, or on the right side of the road. If a bicycle path exists a bicyclist must stay in it. It is a good idea to have bicycles licensed so that there will be a

record of serial numbers at the police department in the event of theft. Otherwise, it might be sold at a public auction because the name of the owner would be unknown. At the very least, the owner of a bicycle should write down the serial numbers if they decide not to license it. Special equipment is needed in most states for bicycle riders. Every bicycle should have:

1. A brake that is capable of locking up the back wheel and skidding on dry pavement.
2. A permanent and regular seat for the rider.
3. A white light reflector on the front and front wheel and a red reflector on the back under the seat and back wheel, a white or yellow reflector on each pedal for riding after dark.

All bicycle riders under the age of sixteen (16) should wear a bike helmet. Bicycles should not be ridden on sidewalks. Bicycles should always be ridden in a bicycle lane, if available. Bicycles should come to a complete stop at red lights and four way stop signs. Do not ever carry another person on the handlebars, but only give a ride to someone if there is a separate seat for the passenger. Do not hitch a ride by holding on to a car or other motor vehicle. Always keep at least one hand on the handlebars if carrying something. Always give the right-of-way to cars and pedestrians, and never ride on an interstate highway or any other controlled access highway.

What are the laws concerning motor vehicles?

A motor vehicle is any vehicle that runs on its own power and has a motor. This includes, but is not limited to, cars, buses, trucks, motorcycles, motor scooters, motor bikes, mini-bikes, go-carts, mopeds, and motorized skateboards, etc. There are laws governing the use of all motor vehicles, and these laws apply to all motor vehicles. Except for a few cases listed in the Vehicle Code, no motor vehicle may be driven on public roads unless they are registered. The driver must have a valid drivers license or operators license to operate a motor vehicle on a public roadway. All motor vehicles must be built and equipped to meet legal requirements for lights, brakes, windshields, mirrors, etc.

As a driver, even if an individual borrows someone else's motor vehicle with their permission, if anything is wrong with or illegal about the vehicle they are driving, the driver may be legally responsible. That individual may also be required to pay any and all traffic violations in a court.

If a juvenile is ticketed for a DUI (driving under the influence) offense, depending on their state, they will either go to juvenile court or adult court and may be fined and/or lose their

drivers license for a period of time. In addition, the juvenile could be referred to a court referral officer for evaluation and required to complete a DUI or substance abuse program. If a juvenile is classified as adjudicated delinquent for DUI, this adjudication is reported to the Department of Public Safety and driving privileges may be suspended based upon whether it is a first, second, or third offense. That individual may even serve time.

All other traffic offenses go through the appropriate adult court, or municipal court, in the city or county where the violation took place, and the juvenile will face the same penalties as an adult. If traffic court finds a juvenile or adult guilty of a traffic offense, any of the following things may happen:

1. Be ordered to attend traffic school.
2. Forced to pay a fine.
3. Have driving privileges suspended or restricted.
4. Required to produce evidence that your vehicle is up to code requirements.
5. Asked to perform community service project for a certain amount of time.
6. Placed under probation supervision for a certain period of time.

Remember, driving is a privilege, not a right. Many states have laws that require drivers to have liability insurance. This is insurance that covers the other vehicle for damages and personal injury should you be found liable for causing an accident. Drivers caught driving without liability insurance in some states, can face high fines. Also, drivers with tickets pay more for their insurance coverage than drivers with clean driving records.

It is against the law for a driver to drive a motor vehicle with any object or objects that may affect or reduce the driver's clear vision through the windshield or rearview mirrors. Most all states have seat belt laws. If a driver is stopped by a police officer for a suspected violation, it is always best for the driver to remain in the vehicle and not get out and walk back to the patrol car. The driver should always remain calm and listen carefully to the officer's instructions. The driver's hands should be visible at all times. A good place to put them is on the steering wheel. Any passengers should remain quiet so that the driver can communicate with the officer efficiently. If the officer issues the driver a traffic violation, or any other violation, in many states the driver must sign the citation even if they feel they are not guilty. The driver's signature is not an admission of guilt but only a promise to appear in court. In some states the officer has the right to confiscate the driver's license and the driver will not be able to obtain the license back until paying the fine or appearing in court.

What are the laws concerning traffic accidents?

If anyone is involved in a traffic accident, they must stop at once and notify the police as soon as possible without moving the vehicles involved. If someone is injured, provide first aid and call for medical assistance. The drivers will be asked to provide their name, address, registration, the name of the legal owner of the vehicle, name of insurance company with local insurance agent and driver's license to the police. Try to obtain the names and addresses of any witnesses. Above all, if involved in an accident, never leave the scene of an accident. Leaving the scene of an accident is a serious offense, especially if there are injuries caused from the accident. Someone leaving can be charged with leaving the scene of the accident or even "hit and run."

If the driver of a vehicle hits an unoccupied or attended vehicle, they should notify the police and make an attempt to find the owner of the vehicle, or leave a written note giving your name and address if you must leave the scene to contact the police.

Remember, persons under twenty-one (21) may not have any containers of alcohol in the vehicle, whether opened or unopened, and whether they are the driver or just a passenger. Also, persons over twenty-one (21) cannot possess any alcoholic beverages while driving a motor vehicle where the container has been opened or the contents partially consumed. They may pay a fine and/or spend time in jail for this offense.

What are the laws concerning a drivers license?

In most states there are additional laws that apply only to motorcycles. To operate a motorcycle in most states, the driver has to be at least fourteen (14) years old and have an operator's license that will restrict them to driving only a motorcycle. Many states have helmet laws for both the driver and passenger. These laws and general laws of the road, are incorporated within a Drivers Handbook, which can be obtained from any Department of Public Safety or Highway Patrol Office.

Anyone fifteen (15) years old may apply to the Department of Public Safety or the Highway Patrol for a learner's permit to drive an automobile. They must pass a written driver's test, eye test, and road test. Many public schools and private programs offer instruction to help with both the written and the driving portions of the test. A learner's permit is required for anyone learning to drive on public roads and a licensed driver who is the parent, legal guardian or a driving instructor must accompany the juvenile.

Remember, when a juvenile's parents or legal guardian sign for them to receive their driver's license, the parents can be held financially responsible if the juvenile is involved in an accident that is declared by a court to be caused by the fault of their child.

To apply for a driver's license or learner's permit you must:

1. Present birth certificate showing proof of age.
2. Pass a test on the rules of the road.
3. Be enrolled in school or have graduated.
4. Pass a driving test.
5. Pass an eye test.
6. Pay a fee.

What are the laws concerning pedestrians?

A person who is walking is a "pedestrian." Pedestrians should always use sidewalks if there are any, and if not, they should always walk against or facing traffic on the left side of the road. A pedestrian has the right-of-way in crosswalks even if there are no white lines to mark them. A pedestrian has the responsibility to not step into the path of an on-coming vehicle just because he/she has the right-of-way. If there are signal lights or crosswalks on both corners of the block, pedestrians may not cross or jaywalk in the middle of the block. If there are no signals, or a signal on only one corner, a pedestrian may cross in the middle of the block as long as it does not interfere with traffic.

What are other laws concerning roadside rules?

It is against the law to hitchhike on all interstate highways. In many states it is against the law to hitchhike on any highway or to stand in a roadway for the purpose of soliciting a ride, employment, or contributions from the occupant of any vehicle.

What are the laws concerning skateboards?

There are no state laws about skateboards or roller skating (recreational items) but some cities do have city ordinances. In those cities, usually whenever any roadway is closed to vehicular traffic, no person shall ride a bicycle, skateboard, or roller skates (or blades) in those areas designated for pedestrians. There are also laws for motorized skateboards, which forbid riding in certain places. The rider is always held responsible if they should hurt anyone or damage property.

What are the laws concerning working juveniles?

In some states juveniles are required by law to obtain a work permit if they are under sixteen (16) years of age. In addition, certain jobs may be considered too dangerous, and therefore prohibited for juveniles under sixteen. Examples are:

1. On or near moving machinery.
2. In a manufacturing business.
3. Around dangerous acids, paints, or dust.
4. As a firefighter.
5. On a railroad or boat.
6. In certain buildings or construction work.
7. In mining, logging, or sawmill operations.
8. Around or with tobacco.

A juvenile under the age of eighteen cannot do the following:

1. Work in wrecking and demolition.
2. Work in mining.
3. Work as a bar tender or in an area where liquor is sold or served.

A good rule to remember is that if you are under the legal drinking age in your state, it is against the law for you to work serving alcoholic beverages.

When can a juvenile work full time?

In most states a juvenile sixteen (16) or older can work full time if they are not enrolled in school. In other words, if they have graduated or they are out during summer vacation. Any juvenile working part time or full time is entitled to receive minimum wage set by the state government, which increases periodically. An employer not paying the minimum wage can be subject to fines and penalties, and even lawsuits from their employees. If a juvenile is learning on the job as an apprentice, they may need a special license, which allows the employer to pay less than the job would ordinarily earn. That doesn't mean less than minimum wage. To find out more information about the laws concerning laws and ages of juveniles working, contact the Equal Employment Opportunity Commission (EEOC) or the Wage and Hour Division in your state.

What about door-to-door selling?

The laws of a state control door-to-door selling for both adults and juveniles. In most cities and towns, juveniles must register for a permit with the police department. If they are taking part in a school funding drive, they do not need a permit to contact friends, neighbors, families from the school, but should always have some kind of identification on them. Where minors are taking part in other drives, such as Little League, Boys Scouts, or Girl Scouts, they must be properly supervised.

What about special laws concerning baby sitters?

Many states have laws regarding the recommended age for baby sitters and usually the ages vary from twelve (12) to fourteen (14). Other good suggestions are:

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

Note: Many police departments and the local Red Cross have "babysitting safety" courses which help to train sitters to deal with emergency situations, safety and security concerns.

What are the laws concerning body piercing?

In most states a minor may not have their body pierced without the written, notarized consent of their parent or legal guardian and the parent must accompany them. Ear piercing is excluded from this law.

Legal Dictionary

Adjudicate. To judge a dispute or problem.

Adult. An individual eighteen (18) years of age or older.

Adultery. Voluntary sexual intercourse between a married person and a person who is not the husband or wife.

Aggravated assault. A person is guilty of aggravated assault if he: attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; or, attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon.

Assault. An intentional show of force or a movement that could reasonably make the person approached feel in danger of physical attack or harmful physical contact.

Arson. The malicious and unlawful burning of a building.

Bail. The money or property put up to allow the release of a person in jail until time of trial. This money or property may be lost if the person released does not appear in court.

Bail bond. A written statement of debt that is put up by an arrested person and others who back it up. It promises that the arrested person will show up in court or risk losing the amount of the bond.

Battery. An intentional and wrongful physical contact with a person without his or her consent to commit a crime therein.

Beyond a reasonable doubt. The level of proof required to convict a person of a crime. For a jury to be convinced "beyond a reasonable doubt," it must be fully satisfied that the person is guilty. This is the highest level of proof required in any type of trial. It does not mean, "convinced one hundred percent," but it comes close to that meaning.

Bigamy. The crime of having two husbands or wives at the same time.

Bribery. The offering, giving, receiving, or soliciting of anything of value in order to influence the actions of a person.

Burglary. A person is guilty if he enters a building or structure with the purpose to commit a crime therein.

Capital Crimes. Are those crimes punishable by death.

Carnal knowledge. Sexual intercourse or other sexual touching.

Child. An individual under the age of eighteen (18).

Citation. A notice to appear in court or risk losing a right, a notice of a violation of law; example, a traffic citation (ticket).

Circuit Court. A trial court that has exclusive jurisdiction in all matters greater than \$10,000 and all felony prosecutions in criminal matters.

Civil Case. A lawsuit involving enforcement of private rights, such as medical malpractice or divorce.

Class Action. A suit brought by one or more plaintiffs on behalf of a large group of others who have a common interest.

Common Law. The system of laws originating and developed in England and based on court decisions, on ages rather than codified written laws. The rule that you are presumed innocent until proven guilty beyond a reasonable doubt is common law.

Concurrent sentences. Two or more prison terms that run at the same time.

Contempt. A willful disobeying of a judge's command or official court order.

Contracts. That body of law governing the agreement process.

Consequential damages. Indirect losses or injuries; results of a wrongful act that do not show up immediately or upon superficial examination.

Conspiracy. Two or more persons joining together to do an unlawful act: sometimes the joining together itself is unlawful, even if the act planned is not.

Consortium. The right of a husband or wife to the other's love and services. The "loss of consortium" might be sued for by, for example, the husband of a woman who was badly injured in an accident.

Contraband. Things that are illegal to import or export or that are illegal to possess.

Convict. Finding a person guilty of a criminal charge. A person in prison.

Conviction. In a general sense, the result of a criminal trial which ends in a judgment or sentence that the accused is guilty as charged. Also, the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere

Counterfeit. Forge, copy or imitate without authority or right, with the purpose of passing off the copy as the original.

Creditor. A person to whom a debt is owed.

Criminal Forfeiture. The loss of property to the government because it was involved in a crime.

Cross Examination. Examination of a witness at trial or deposition by the party opposed to the one who produced him, to test the truth of the testimony of the witness.

Cruelty. To endanger life or health or to cause mental suffering or fear.

Culpable. Blamable; at fault; a person who has done a wrongful act (whether criminal or civil) is called culpable.

Culprit. A person who has committed a crime, but has not yet been tried. This is not a technical legal word.

Cumulative sentence. An additional prison term given to a person who is already convicted of a crime, the additional term to be served after the first one is finished. (or consecutive sentence)

Custody. The care and control of a thing or person.

Debtor. A person who owes money.

Defendant. The party against whom suit is brought (sometimes known as respondent).

Defraud. To cheat.

Degree. Legal extent of guilt or negligence, usually defined by statute.

Delinquent. In regard to juvenile delinquent, a minor who has done an illegal act or who has been proved in court to seriously misbehaves.

Direct examination. The interrogation or examination of a witness by the party on whose behalf he is called.

Disorderly Conduct. Actions that disturb the peace or shock public morality.

District Court. A trial court of limited jurisdiction which has jurisdiction in all civil matters under \$10,000 and in all criminal misdemeanors and traffic violations.

Disturbing the Peace. Interrupting the peace, quiet, or good order of a neighborhood.

Domestic. Relating to the home or family.

Domicile. A person's permanent home, legal home, or main residence.

Embezzlement. The fraudulent appropriation of property by one lawfully entrusted with its possession. To "embezzle" means willfully to take, or convert to one's own use, another's money or property, of which the wrongdoer acquired possession lawfully, by reason of some office or employment or position of trust.

Extortion. Any illegal taking of money by using threats, force, or misuse of public or private office.

False pretense. Illegally obtaining money, goods or merchandise from another by fraud or misrepresentation.

Federal laws. Laws pertaining to the government of the U.S. as opposed to state laws.

Felony. A serious crime. A crime with a sentence of one year or more.

Fornication. Sexual intercourse other than between married persons.

Fraud. An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right.

Garnishment. A legal proceeding taken by a creditor after a judgement is received against a debtor.

Habeas Corpus. An ancient writ, literally meaning, "produce the body," which demands that one who has a person in custody justify the grounds for detaining him.

Incest. Sexual intercourse between a man and a woman who according to state law, are too closely related by blood.

Incarceration. Confinement in a jail or prison.

Indecent. Offensive to public morality.

Indigent. One who is needy and poor, or one who has not sufficient property to furnish him a living nor anyone able to support him to whom he is entitled to look for support.

Indictment. A formal written accusation originating with a prosecutor and issued by a grand jury against a person charged with a crime.

Injunction. A judge's order to a person to do or to refrain from doing a particular thing.

Intent. The resolve or purpose to use a particular means to reach a particular result. Intent usually explains how a person wants to do something and what that person wants done, while "motive" explains why. These words often get confused.

Jail. A place of confinement that is more than a police station lockup and less than a prison. It is usually used to hold persons either convicted of a misdemeanor (minor crimes) or persons who can not get out on bail while awaiting trial.

Judgement. The official decision of a court about the rights and claims of each side in a law suit.

Jury. A certain number of men and women selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence to be laid before them.

Juvenile Court. A court set up to handle cases of either delinquent, dependent or neglected children up to age 18.

Kidnapping. The unlawful seizure and removal of a person by force or fraud to threats or intimidation and against there will.

Larceny. Stealing.

Legal. Required or permitted by law.

Legal right. A right that should win if tested in court.

Liable. Responsible for something (such as harm done to another person); bound by law; having a duty or obligation enforceable in court against you by another person.

Libel. Written or permanently recorded untruth causing harm to the person the untruth is said.

Lien. A claim, charge, or liability against property that is allowed by law.

Malice. Ill will; intentionally harming someone; having no moral or legal justification for harming someone.

Malicious. Done intentionally, from bad motives and without excuse.

Malicious mischief. The criminal offense of intentionally destroying another person's property.

Malpractice. Professional misconduct or unreasonable lack of skill.

Manslaughter. The unjustifiable, inexcusable and intentional killing of a human being without deliberation, premeditation and malice.

Minor. A person who is under the age of full legal rights and duties, (under 18).

Misdemeanor. A criminal offense less than a felony that is usually punishable by a fine or less than a year in jail.

Misrepresentation. A false statement that is known to be false and meant to be misleading is a fraudulent misrepresentation.

Mistrial. An erroneous, invalid, or nugatory trial. A device used to halt trial proceedings when error is so prejudicial and fundamental that expenditure of further time and expenses would be wasteful if not futile. The judge may declare a mistrial because of some extraordinary event, for prejudicial error that cannot be corrected at trial, or because of a deadlocked jury.

Mitigating circumstances. Facts that do not justify or excuse an action, but that can lower the amount of moral blame, and thus lower the criminal penalty and civil damages for the action.

Moral Turpitude. The act of business, vileness or the depravity in private or social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man.

Motion. A request that a judge make a ruling or take some other action. A formal way something is proposed in a meeting.

Municipal Court. A court of original jurisdiction extending to city ordinances (traffic offenses and criminal misdemeanors).

Murder. The unlawful killing of another human being that is premeditated (planned in advance) or has malice aforethought.

Neglect. Failure to do something that should be done. Absence of care in doing something. Failure to properly care for a child.

Negligence. The failure to exercise a reasonable or ordinary amount of care in a situation that causes harm to someone or something. It can involve doing something carelessly or failing to do something that should have been done. Negligence can vary in seriousness from gross (recklessness or willfulness), through ordinary (failing to act as a reasonable careful person would) to slight (not much).

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.

Nuisance. Anything that annoys or disturbs unreasonably, hurts a person's use of his or her property, or violates the public health, safety, or decency.

Oath. Formal affirmation (swearing) that you are bound by conscience either to tell the truth or to faithfully do something.

Obscene. Objectionable or offensive to accepted standards of decency. Basic guidelines for trier of fact in determining whether a work which depicts or describes sexual conduct is obscene is whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest, whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Obstructing justice. Interfering by words or actions with the proper working of courts or court officials.

Offense. Any breaking of the criminal law.

Ordinance. A local or city law, rule or regulation.

Paraphernalia. Personal belongings, articles, accessory items.

Parole. A conditional release from imprisonment which entitles parolee to serve the remainder of his term outside the confines of an institution, if he satisfactorily complies with all the terms and conditions provided in his parole order. If the person fails to meet the conditions of parole, he must serve the rest of his prescribed sentence.

Penalty. A punishment imposed by law.

Perjury. Lying while under oath.

Perpetrator. A policeman's term used to describe a person (usually unknown) who committed a criminal act.

Plaintiff. The person who brings (starts) a lawsuit against another person. (sometimes known as the petitioner or complainant)

Polygamy. Having more than one wife or husband at the same time.

Premeditation. A prior determination to do something; thinking in advance about how to do something (usually a crime).

Prosecutor. A person who institutes a prosecution in court.

Probable cause. A reasonable suspicion, provable by facts, that a crime has been committed.

Probation. A sentence imposed for the commission of a crime whereby a convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration.

Prostitution. A person offering his or her body for sexual purposes in exchange for money. A crime in most states.

Punitive damages. Money awarded by a court to a person who has been harmed in a particularly malicious or willful way by another person.

Rape. The crime of a man imposing sexual intercourse by force upon an unwilling woman.

Reprieve. The holding off on enforcing a criminal sentence for a period of time after the sentence has been handed down.

Restitution. An equitable remedy under which a person is restored to his or her original position prior to loss or injury, or placed in the position he or she would have been, had the breach not occurred.

Robbery. Felonious taking of money, personal property, or any other article of value, in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

Sanction. To assent to or confirm another person's actions. A penalty or punishment attached to a law to make sure it is obeyed.

Search warrant. An order in writing, issued by a justice or other magistrate, in the name of the state, directed to a sheriff, constable, or other officer, authorizing him to search for and seize property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, or things otherwise criminally possessed

Self-defense. The right to use physical force against a person who is threatening a felony, committing a felony, threatening the use of physical force, or using physical force. This is a right if the person's own family, property, or body is in danger, but only if the danger was not provoked and there is no reasonable way to escape.

Sentence. The punishment, such as time in jail or prison, given to a person convicted of a crime.

Slander. Oral untruth causing harm to the person about whom the slander is said.

Small claims court. The jurisdiction of small claims courts varies from state to state but normally the upper limit is \$5000. You argue your case before a judge without an attorney providing all relevant documents, witnesses, and any other material you feel has a bearing on your claim. These matters are usually heard in district court but may be heard in circuit court.

Smuggling. The crime of secretly bringing into a country things that are either prohibited or taxable.

Stalking. The act of a person or persons to pursue, follow, or prey on a person without that persons knowledge or permission.

Statute. A law enacted by the legislature, whether state or federal.

Statute of limitations. A law that sets a maximum amount of time after something happens for it to be taken to court.

Statutory rape. The act of a man having sexual intercourse with a female under an age defined by state statute.

Subpoena. A court's order to a person that he or she show up in court to testify (give evidence) in a case.

Sue. To commence (start) a civil lawsuit.

Summons. A writ informing a person of a lawsuit against him or her. It tells the person to show up in court at a certain time and place to present his or her case or risk losing the suit without being present.

Suspicion. Being temporarily held by the police without specific charges against you. More than a guess but less than full knowledge.

Testify. Give evidence under oath.

Testimony. Evidence given by a witness under oath.

Theft. The act of stealing. The taking of property without the owner's consent.

Third degree. Term used to describe the process of securing a confession or information from a suspect or prisoner by prolonged questioning, the use of threats, or actual violence.

Title. The formal right of ownership of property.

Tort. A wrong done to another person. The law of private wrongs, governing the behavior of persons and setting out their obligations toward each other, such as assaults.

Treason. A breach of allegiance to one's government usually committed through levying war against such government or by giving aid or comfort to the enemy. Treason consists of two elements: adherence to the enemy, and rendering him aid and comfort.

Trespass. Any entry onto another person's property without their consent, expressed or implied.

Trial. A judicial examination and determination of issues between parties to action, whether they be issues of law or of fact, before a court that has jurisdiction.

Tribunal. A court of Law.

Vagrancy. A vague, general word for hanging around in a public place with no purpose and no honest means of support.

Verdict. The formal decision or finding made by a jury or judge.

Voire Dire. 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.

Voyeurism. A prying observer who is usually seeking the sordid or the scandalous by visual means.

Warrant. Permission given by a judge to a police officer to arrest a person, search a house, etc.

Witness. In general, one who, being present, personally sees or perceives a thing. One who testifies to what he has seen heard, or otherwise observed in open court.

Witness Stand. A seat occupied by a witness in a courtroom.

Writ. A written judicial order to perform a specified act, giving authority to have it done.

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