

Turning



18

In Idaho

A SURVIVAL GUIDE FOR
TEENAGERS

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TURNING 18 IN IDAHO

A Survival Guide for Teenagers

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

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

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

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

reaching the age of majority

The *age of majority* is a term used to describe the time in life after which a person is legally no longer considered a child. It is an arbitrary date when a child becomes an adult in the eyes of the law. Historically, the age of majority was set at 21 in most states. But after the 1971 ratification of the 26th Amendment to the U.S. Constitution giving 18-year-olds the right to vote in federal elections, most states, including Idaho, lowered the age of majority to 18. (I.C. § 32-101)

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

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



This does not mean that you now have all the rights and privileges available to adults. Some come at an earlier age, while others come later. For example, an Idaho resident may be issued a provisional driver's license at age 15, but may not purchase alcoholic beverages until age 21. What the age of majority has really come to mean is the point when an individual is treated as an adult for most purposes.

Turning 18 In Idaho: A Survival Guide for Teenagers

For additional copies of this guide, please mail your request to: **Turning 18 in Idaho, Attn: Law-Related Education Program, Idaho State Bar, 525 W. Jefferson St., P. O. Box 895, Boise, ID 83701-0895**

getting around

You may already have a driver's license. (You were eligible for a *provisional driver's* license at age 15.) But now that you are 18, the law applies to you differently in some instances.

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

The greatest change may be that the law now holds you (not your parents) responsible for your actions. When you were younger, your parents could be held legally responsible for at least some damages and financial losses caused by your negligent driving. Now you assume liability for your own traffic violations or accidents. It is your responsibility to know (and follow) the rules of the road described in the Idaho Driver's Manual. (I.C. § 49-2416)

Do I need my own car insurance?

Yes, you must have proof of insurance. (I.C. § 49-1229) Your parents may be able to continue to carry you on their car insurance or you will have to get your own insurance.

Also, when you buy a car, you will receive a Certificate of Title (commonly known as the "pink slip"). It is a very important document that contains detailed information about the car and provides proof of ownership. When a car changes ownership, the buyer is required to have a signed certificate recorded by the Idaho Division of Motor Vehicles (DMV) to finalize the transfer. (I.C. §§ 49-401A - B, 49-502, 49-504)

KEY ABBREVIATIONS

DMV	IDAHO DIVISION OF MOTOR VEHICLES
FBI	FEDERAL BUREAU OF INVESTIGATION
I.C.	IDAHO CODE
IDAHO CONST.	IDAHO CONSTITUTION
IDAPA	IDAHO ADMINISTRATIVE PROCEDURE ACT
NHTSA	NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
USC	UNITED STATES CODE

Note: The symbols § and §§ refer to "section" and "sections" in the laws cited throughout the guide. "Et seq." refers to section(s) following the section cited.

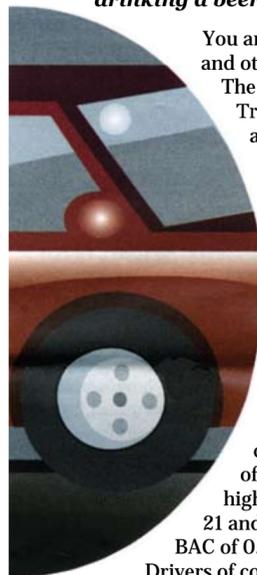
If I don't already have a driver's license at age 18, how do I get one?

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

- Give proof of your Idaho residency.
- Give proof of age and identity.
- Provide your Social Security card.
- Pass a vision exam.
- Pass a written exam on traffic laws and signs.
- Pass a skills test.
- Have your picture taken.
- Fill out an application and pay a fee. (I.C. §§ 49-306, 49-313, 49-315)

For more information, visit the DMV's Web site at www.itd.idaho.gov/.

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



You are putting yourself and others in danger. The National Highway Traffic Safety Administration (NHTSA) reported just under 40% of all traffic deaths in the U.S. are alcohol related. It is illegal for anyone to drive while intoxicated. If you are under 21, you cannot drive with a blood-alcohol concentration (BAC) of 0.02 percent or higher. Drivers who are 21 and older cannot have a BAC of 0.08 percent or more. Drivers of commercial vehicles cannot have a BAC of 0.04 percent or more. (I.C. §§ 18-8002A, 18-8004, 49-324)

If a police officer stops you for driving under the influence (DUI), he or she can administer a breath, blood, or urine test to determine your blood-alcohol level. If you refuse to take the test, the officer will seize your license. You could be fined \$250 and have your driver's license suspended for a year or two. (I.C. §§ 18-8002 - 03)

Also, you could still be convicted of DUI even if a breath, blood, or urine test is not performed.

A chemical test is not required for a conviction if the judge or jury concludes that the person under age 21 drank even small amounts of alcohol and drove a vehicle. And if you are convicted, it will mean a stiff fine, jail time, and suspension or revocation of your driver's license. (I.C. §§ 18-8004 - 04A)

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

Yes. If you are under 21 and are cited for drinking alcohol at a party, for example, you could wind up with a suspended driver's license - even if you were nowhere near a car at the time. Young people under 21 will have their licenses suspended, revoked, or delayed for up to one year for each offense related to the possession, consumption, or purchase of

Laws that Young Drivers Should Know:

Reckless driving: Idaho law prohibits driving a vehicle on property open to public use carelessly and heedlessly or without due caution which endangers the safety of others or property. (I.C. § 49-1401)

Speed contests: Speed contests are against the law. (I.C. § 49-1424)

Littering and throwing objects at or from a vehicle: Idaho law prohibits throwing anything at or from a moving vehicle. The penalties for doing so include a \$300 fine and/or imprisonment. (I.C. §§ 18-3906, 49-613)

Hit and run: In Idaho, you must stop after any accident in which someone is injured or another person's property is damaged. You also must exchange names, addresses, driver's licenses, vehicle licenses, and other relevant information. If someone is injured or dies in the collision or more than \$1,500 of property damage is involved, the accident must be reported to the nearest local police. (I.C. §§ 49-1301 - 49-1305)

Driving without a license: In Idaho, it is a misdemeanor to drive without a valid driver's license. Also, the law requires drivers to have their licenses with them while driving. Driving with a suspended or revoked license is a misdemeanor that could result in up to six months in jail and/or a fine of \$1,000 for a first conviction. (I.C. § 18-8001)

Cell phones and driving: There is no law against talking on the phone while driving. But mixing the two could cause a traffic accident. Also, you may be more likely to drive erratically and wind up with a traffic citation for impeding the flow of traffic, failing to stay in your lane, or other types of distracted driving.

Seat belts/child restraints: It is illegal to operate a motor vehicle unless the driver and all passengers are properly restrained by safety belts. (I.C. § 49-673) Violators can be fined. Children must be secured in federally approved safety seats until they are 7 years old. (I.C. § 49-672) Youngsters who are under a year old or are restrained in a rear-facing car seat or weigh less than 20 pounds should not be permitted to ride in the front seat with an active air bag. In addition, it is recommended that children under 8, who are less than 4 feet, 9 inches tall, be strapped into booster seats. For more information, got to the NHTSA Web site at www.NHTSA.dot.gov.

Unattended motor vehicle: It is against the law to leave the engine running or the key in the ignition. (I.C. § 49-602)

Road rage: A driver may cut you off and nearly cause an accident, but avoid taking matters into your own hands. Road rage results in reckless driving, which can lead to imprisonment for up to six months and/or \$1,000 fine. (I.C. § 49-1401)

alcohol. Not to mention a possible \$1,000 fine for the first time. Every subsequent conviction for drinking under age leads to stiffer penalties. (I.C. §§ 18-1502, 23-604)

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

Yes, and unless the scooter is defined as a "Moped" by the DMV, you will also need a motorcycle endorsement to your Idaho driver's license. Mopeds have both motorized and pedal propulsion and are limited in speed and engine power. Contact your local DMV if you think you might be driving a moped. (I.C. §§ 49-114, 49-304)

Do I need a license to ride a bicycle?

No. There is no state law requiring a license to ride a bicycle. Some towns register bicycles. Registering a bike may assist you with its retrieval if it is lost or stolen. It would still be wise to pick up the two pamphlets - "Idaho Bicycle Commuter Guide" and "Idaho Bicycling Street Smarts" - from your local DMV. There are specific laws about riding bicycles on highways and in towns.

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

Yes, for the most part. Bicycle riders should ride on the proper side of the street, yield at stop signs, and give the right-of-way to all pedestrians. In addition, it is illegal to ride a bike while under the influence of alcohol or any drug. Nighttime bicyclists must have a bike equipped with a front light and red rear reflector. Also, the number of people who can ride on a bike is limited to the number of actual seats. It is against the law to ride on someone's handlebars or center frame bar, or over the bike's rear tire. Only one person is allowed per seat. (I.C. §§ 49-714 - 15, 49-720 - 21, 49-723)

moving out

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

Are all rental agreements alike?

No. A landlord will likely want you to sign a lease - a contract that sets the conditions for renting the apartment - for a specific time period. Or, the landlord may rent the apartment to you on a month-to-month basis. Even with a month-to-month rental, however, your landlord must give you certain advance notice if he or she plans to raise your rent or ask you to move out. For more information, see "Landlord and Tenant Rights and Responsibilities" at www.idaholegalaid.org/Data/DocumentLibrary/Documents/1184707666.39/tenantsrights.web.pdf.

Must a lease be written to be enforceable?

Not unless the lease is for longer than one year.

What are the advantages of putting it in writing?

With a written lease, you will have:

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

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

What is a security deposit?

It is money that the landlord holds as security against property damages, unclean conditions, and unpaid rent. Most landlords require this money up-front in addition to the first and last month's rent. A written lease usually outlines the way in which a security deposit will be held and what the tenant – the person renting the apartment – needs to do to get it back. (I.C. § 6-321) If you cause no damages, the owner must return your security deposit no later than 30 days after you move, or tell you in writing why you will not get all or part of it back. Also, he or she must account for how your money was spent. (I.C. § 6-321) See "Advice for Renters, Security Deposits" at www.idaholegalaid.org/Data/DocumentLibrary/Documents/1184708034.34/securitydeposit.web.pdf.

Should I get renter's insurance?

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

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

If you have not paid your rent when it is due, your landlord can give you a notice to pay up or leave within three days. (I.C. § 6-303) An eviction notice must be taken very seriously. The clock is ticking and time is of the essence.

For your rights in the eviction process, go to www.idaholegalaid.org/Data/DocumentLibrary/Documents/1184707666.39/tenantsrights.web.pdf.

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

The landlord's general duty, unless your lease says otherwise, is to keep the electrical, plumbing, heating, ventilating, cooling, or sanitary facilities supplied by the landlord in "good working order." However, if something is damaged and the damage was your fault, you would be responsible for the repair. (I.C. § 6-320)

You cannot be legally evicted for simply reporting building code violations to your local building inspector. When conditions are so bad that the premises are "uninhabitable," you should consult an attorney about possible claims against the landlord and about whether you can move out and avoid further rent. (I.C. § 6-320)

Can my landlord enter my apartment without asking me?

Yes, in certain situations. In an emergency - for example, if a bathtub overflowed in the apartment above yours - the owner could check your apartment for water damage even if you were not home. The owner could enter your apartment during normal business hours for certain other reasons as well if he or she gives you reasonable advance notice. For example, if you plan to move, the owner has a right to show the apartment to prospective tenants. Or the owner might need to have an electrician check the wiring. Any other such entry (without your permission or without advance notice) may be trespassing. (I.C. §§ 18-7006, 18-7008)

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

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

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

It depends on what your lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them to pay you back for your paying their share of the rent.

If I break a lease, can I be sued?

You can probably be sued for:

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

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

No. It is against the law to discriminate in renting, leasing, or selling housing on the basis of race, color, religion, sex, disability, national origin, or familial status. (I.C. § 67-5909)

having fun

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

When would a party be disruptive enough to illegally disturb the peace?

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

- Fighting.
- Loud music.
- Rowdiness.
- Alcohol and drug use.
- Partying at a very late hour. (I.C. § 18-6409)

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

You can ask police to kick them out. Crashing a party and refusing to go when you are asked to leave is trespassing and is illegal. (I.C. § 18-7008)

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

Yes. It is against the law for any initiation or pre-initiation into a student organization to involve hazing. Hazing is any method of initiation or pre-initiation into a student organization which causes (or is likely to cause) bodily danger or physical harm, or that involves:

- Nudity.
- Compelling a person to eat or drink anything.
- Wearing or carrying any obscene or heavy object.
- Physical assaults or offensive physical contact.
- Boxing matches, excessive calisthenics, or other physical contests.
- Transportation and abandonment.
- Confinement to unreasonably small, unventilated, unsanitary, or unlighted areas.
- Sleep deprivation.
- Assignment of pranks.

If you participate in hazing, you could be fined up to \$1,000 and/or be sent to jail. (I.C. § 18-917)

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

Expressing yourself through spray painting, drawing, writing, or otherwise inscribing on someone else's property could land you in jail, and could cost you as much as \$1,000. (I.C. §§ 18-7036, 18-113)

Do I need a special license to operate a motorboat or personal watercraft?

No. However, while there is as yet no state law requiring a minimum age or proficiency exam, some counties are adopting such laws for their local waterways. Be sure to contact the county where you plan to ride because Idaho counties have the authority to enact restrictions for personal watercraft and boats that are stricter than state law.

Take the time to learn the speed limits and right-of-way rules. And if you plan to tow a water-skier, know where and how to do it. As the boat operator, you could be held responsible for any accidents. For more information you should check out the Idaho Parks and Recreation Web site at www.idahoparks.org/recreation/boating/regulations.aspx.

Additionally, while alcohol may be present on a boat, it is illegal for the driver to be under the influence. (I.C. § 67-7034) If a drunken boat operator is at the helm when a fatal accident occurs, he or she could be charged with manslaughter. (I.C. § 18-4006)

Do I need a license to fish?

Yes. All person 14 years or older must first acquire an Idaho fishing license to fish in Idaho waters during open season. (I.C. § 36-401)

alcohol and drugs

According to the U.S. Department of Health and Human Services, three out of four high school seniors admit drinking alcohol (more than a sip or two), 58 percent have been drunk at some point, and one in two seniors say they have tried some type of illegal drug. But drinking alcohol under the age of 21 or using any type of controlled substance without a prescription is illegal. And it can wreak havoc on your health and life. The non-medical use of certain painkillers, such as Vicodin and OxyContin, by teenagers and the use of steroids by aspiring young athletes have raised particular concern in recent years. In addition, certain drugs - sometimes called "club drugs" - have been associated with "date rape" in which a drug is slipped into an unsuspecting victim's drink to pave the way for a sexual assault. (See the section Sex and the Law.)

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

No. In Idaho, it is against the law for anyone under 21 to buy (or attempt to buy) any alcoholic beverage. (I.C. §§ 18-1502, 23-604)

It is illegal to sell or give an alcoholic beverage to anyone under 21, or to allow anyone under 21 to drink alcohol in a bar, restaurant, or store. If you look younger than 21, you will be asked to prove your age. And if you can't provide ID, the clerk can't sell alcohol to you. (I.C. § 23-603)

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

Yes. Either way, you would be breaking the law. Also, the person who provided you with the false identification would be committing a crime as well. You cannot lend, borrow, or alter a driver's license or other identification in any way. (I.C. § 49-2446)

What can happen if I am arrested for drug possession?

It would depend on the type and amount of drugs, as well as other factors. More than 135 controlled substances carry a felony charge (a serious criminal charge) for possession alone. Such drugs include heroin, cocaine, LSD, amphetamines, and barbiturates, among others. Conviction for felony drug possession could result in a prison sentence of up to seven years and/or a \$15,000 fine, depending on the drug.

The punishment for possessing marijuana - the most commonly used illicit drug - is less severe. Possession of 3 ounces of marijuana or less would be considered a misdemeanor (a less serious criminal charge) with a fine of up to \$1,000 and up to one year in jail. (I.C. § 37-2732)

However, if you are arrested with more drugs than someone might reasonably possess for personal use, you could face more serious charges

of possession with intent to sell. This is a felony even if possession of the particular drug alone would not be a felony. (I.C. § 37-2732) If you are in possession of large quantities of methamphetamine, amphetamines, heroine, cocaine, or marijuana, the court may be required by law to sentence you to a mandatory prison term ranging from one year to ten years depending on the type and quantity of drug. (I.C. § 37-2732B)

You should also bear in mind that it is a misdemeanor simply to be present on any premises where you know drugs are being made, or are being held for delivery or use. (I.C. § 37-2732(d))

A drug conviction could endanger your future schooling as well.

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

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

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

Yes. State law imposes severe penalties on anyone 18 or older who illegally prepares for sale, sells, or gives a controlled substance to any minor at locations where children are present. Such conduct could result in a prison sentence of up to ten years and/or a fine up to \$25,000. (I.C. § 37-2737A) Also, if you sell or deliver a controlled substance on school grounds or within 1,000 feet of school grounds, the court may impose a prison term of at least five years, and as much as life in prison. (I.C. § 37-2739B)

Alcohol and the Law

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

It is illegal to:

- Drink while driving or drive while under the influence of alcohol or drugs, even if the drugs are legal. (I.C. § 18-8004)

Yes. To try to use someone else's prescription is illegal and considered a felony. The penalty could include a sentence up to four years in prison and a fine up to \$30,000. (I.C. § 37-2434)

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

- Be drunk or under the influence of drugs in public or on a public highway and be in a condition that poses a threat to oneself or others. (I.C. § 49-1426)

Possibly. Roach clips and drug pipes are considered drug paraphernalia - any equipment designed to help grow, make, or use a controlled substance. Using drug paraphernalia, or possessing these things with intent to use them, is illegal and can be punished by up to a year in jail. (I.C. § 37-2734A) And selling or giving paraphernalia to someone else when you have reason to know that it's going to be used to grow, make, or use a controlled substance - even giving the roach clip back to your friend - could be charged as delivery of paraphernalia, a felony carrying up to nine years in prison. (I.C. § 37-2734B)

- Possess or drink liquor (or sell or give it to anyone else) at any public school or on school grounds. (I.C. § 23-612)

- Allow anyone under 21 to hang around a location where liquor is sold (except for a restaurant). (I.C. § 23-943)

And if you are under 21, you cannot:

- Possess liquor even if the container is sealed. (I.C. § 23-604)
- Enter and remain in a bar without lawful business. (I.C. § 23-943)

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

Yes. In Idaho, your license can be suspended for one year if you are under 21 years old and are convicted of drug- or alcohol-related offenses. Also, successive offenses could result in further suspension or delay of driving privileges. The suspension, restriction, or delay of your license would be in addition to the penalty imposed for the conviction. (I.C. § 18-1502C)

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

Yes. All non-medical use of anabolic steroids is illegal. If you are convicted of distribution, you could face up to five years in prison and \$15,000 in fines under state law, and five years in prison and \$250,000 in fines under federal law. (I.C. §§ 37-2709, 37-2732; 21 USC § 841) Recent data show that steroid use among high school seniors remains at peak levels in spite of health risk warnings. And in the wake of scandals involving professional athletes and steroid use, some are calling for new legislation aimed at curbing steroid use in sports across the board. For more information on drug abuse, visit the National Institute on Drug Abuse Web site at www.drugabuse.gov.

money matters

You can now sign legal contracts, open bank accounts, and apply for credit cards on your own. Such independence, however, could also make it easier to get in over your head. Many young people do. And if you are 18, your parents do not have to bail you out financially - it's their choice. So, learn the benefits, pitfalls, rules, and restrictions before you make any financial decision. (I.C. § 29-101)

contracts

What is a contract?

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

Who can make a contract?

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

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

What if I break a contract because I did not understand it?

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

- You could be sued and required to appear before a judge. If you lose your case, you may have to pay the judgement plus interest and, in some cases, the other side's costs and attorney fees if the contract requires it.

Steroids and Your Health

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

- If the dispute involves unpaid debt, you may work out an agreement to pay over time. If you do this, get it in writing.
- You may file for bankruptcy, which may allow you to dismiss your obligation to pay certain debts, and allow you to rearrange debts and work out payment plans. Bankruptcy may give you a fresh start. But it would also have a bad effect on your credit rating and make it harder for you to get a loan in the future.

bank accounts

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

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

What happens if my check bounces?

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

- The bank may return the check to the person who attempted to cash it. That person may notify you and charge up to three times the amount of the check in penalties (I.C. § 1-2301A) *Note:* Writing a check when you don't have enough money in your account to pay it may be a crime. (I.C. § 18-3106)
- Or the bank may pay the check (and require you to make a deposit to cover the difference) and charge you a fee or a penalty. Damages for insufficient checks cannot exceed \$500 plus the value of the check (I.C. § 1-2301A) *Note:* Banks do not have to cash checks that were dated more than six months before being presented to the bank.

How long does it take for a check to clear?

The process could be virtually instantaneous. Some merchants now use electronic check conversion. This allows the sales clerk to pass your check through a machine and immediately transfer the funds from your bank account electronically. Usually the physical check is returned to you.

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

An ATM (automated teller machine) card can be used for basic banking - depositing and withdrawing funds from your bank account. You simply insert your card into an ATM and enter a personal

identification number. Transactions will sometimes include surcharges or fees depending on your bank and the ATM that you are using. If there is a charge, you must be warned and given an opportunity to quit the transaction cost-free.

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

If you do lose your debit card or someone uses it without authorization, federal laws limit liability to \$50 if you notify the debit card company within 60 days. (15 USC § 1643(a)(1))

credit

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

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

What should I do if I lose a credit card?

Report the loss or theft immediately to the bank or company that issued the credit card. If you report the loss promptly, you will not be held responsible for more than \$50 of the unauthorized charges on the card. (15 USC § 1643(a)(1))

What is a credit report?

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

Under federal law, you have the right to know what is in your file. You have the right to one free credit report every 12 months from each of three major credit-reporting agencies. (Go to www.annualcreditreport.com.) You have the right to know your credit score but will have to pay for it. Check your reports for inaccurate data that could hurt your ability to get credit or a loan. You have the right to dispute inaccurate, incomplete, or unofficial information. (See www.ftc.gov/credit.) Also, incorrect information could be a red flag that someone is using your identity to get credit without your knowledge.

How long does it take to fix bad credit?

It depends on the seriousness of your past problems. The files could go back seven to ten years. You may obtain your file to review what has been collected from your credit history.

What is Collateral?

Collateral is an item of value that is accepted by the lender as protection against missed payments. For example, if you buy a car and agree to installment payments, the car itself becomes the collateral. The lender could repossess the car if you fail to make your payments.

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

No, it is unlawful for a creditor to discriminate against any applicant on the basis of race, sex, or marital status. Lenders can only make distinctions based on credit ratings.

working and taxes

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

Will I be offered a written contract with a job?

Probably not, most employment contracts are oral.

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

Unfortunately, jobs don't come with warranties. Generally, an employer can fire an employee without providing a reason. There are exceptions: An employer may not fire or discriminate against someone based on race, sex, color, disability, marital status, age, sexual orientation, or religion. (I.C. § 67-5909; Civil Rights Act of 1964 Title VII)

What is sexual harassment?

It is another form of illegal discrimination prohibited by federal and state law. In general, it is unwelcome sexual behavior on the part of the supervisor, co-worker, or client. Such conduct could be sexual comments, pressure for sexual favors, inappropriate touching, or even sexual assault. Or, it might be one employee subjecting another to unwelcome sexual jokes or degrading posters of women or men. (I.C. §§ 67-5901, 67-5909)

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

You could contact the Idaho Commission on Human Rights (IHRC) at (888) 249-7025 (TDD/TTY: (208) 334-4751). Or, you could contact your local Equal Employment Opportunity Commission (EEOC).

Can my employer deduct anything from my paycheck?

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

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

What is F.I.C.A.?

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

Do I need a Social Security number to get employment?

Yes, unless you are ineligible for a Social Security number. Then you would need an Individual Taxpayer Identification Number (ITIN) instead. A U.S. resident who is not a citizen and a foreign national filing a U.S. tax return are examples of individuals who might need an ITIN. Your employer is required to report your wages to the Internal Revenue Service (IRS) - the agency that collects taxes from taxpayers. The IRS, in turn, uses your Social Security number or ITIN to process your federal tax payment.

For more information, check with your local Social Security office or go to www.ssa.gov.

What is workers' compensation insurance?

It is insurance - paid for by employers - that provides compensation and medical benefits to workers who are injured on the job. By law, employers must carry workers' compensation insurance. (I.C. § 72-301)

Such insurance is also intended for workers who develop occupational diseases caused by their jobs. It is not meant to replace a worker's personal insurance plan.

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

Maybe, you (or your accountant) must complete an income tax return each year and mail it to the IRS and the Idaho State Tax Commission no later than April 15. If it turns out that you paid too much tax for your level of income, you will be entitled to a refund. If you failed to pay enough tax by not reporting extra income or claiming too many exemptions you will have to pay more. (26 USC § 6513(d); I.C. § 63-3032)

For more employment information, check out the Idaho Commission on Human Rights Web page at www2.state.id.us/ihrc/brochures.htm.

some commonly abused drugs

	Marijuana	Cocaine	MDMA	Oxycodone HCL	Methamphetamine	inhalants
Commercial and street names:	blunt, dope, ganja, grass, herb, joints, Mary Jane, pot, reefer, sinsemilla, skunk, weed	Cocaine hydrochloride; blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot	Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC <i>Note:</i> This is one of the so-called club drugs.	OxyContin; Oxy, O.C., killer <i>Note:</i> Vicodin is another commonly abused drug with similar effects and potential consequences.	Desoxyn; chalk, crank, crystal, fire, glass, go fast, ice, meth, speed <i>Note:</i> This is one of the so-called club drugs.	Solvents (paint thinners, gasoline, glues), gases (butane, propane, aerosol, propellants, nitrous oxide), nitrates (isoamyl, isobutyl, cyclohexyl); laughing gas, poppers, snappers, whippets
How used:	swallowed, smoked	injected, smoked, snorted	swallowed	swallowed, snorted, injected	injected, swallowed, smoked, snorted	inhaled through the nose or mouth
Effects and potential health consequences:	euphoria, slowed thinking and reaction time, confusion, impaired balance / cough, respiratory infections, impaired memory and learning, increased heart rate, anxiety, panic attacks, addiction	increased heart rate and blood pressure, feelings of exhilaration, increased temperature / rapid or irregular heart beat, reduced appetite, heart and respiratory failure, chest pain, nausea, strokes, seizures, headaches, panic attacks	increased heart rate, mild hallucinogenic effects, increased tactile sensitivity, empathetic feelings / impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity	pain relief, euphoria, drowsiness / nausea, constipation, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death	increased heart rate and blood pressure, aggression, violence, psychotic behavior / memory loss, cardiac and neurological damage, impaired memory and learning, tolerance, addiction	stimulation, loss of inhibition, headache, nausea or vomiting, slurred speech, loss of motor coordination, wheezing / unconsciousness, cramps, weight loss, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, sudden death

Courtesy of the National Institute on Drug

sex and the law

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

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

What is sexual assault and battery?

It is any type of sexual activity to which you did not consent, and it is illegal. Battery is the unlawful touching of another person against that person's will. (I.C. § 18-903) Assaulting or aiding in the assault of another with the intent to commit rape is a felony. (I.C. § 18-909) Battery or aiding in the battery of another with the intent to commit rape is also a felony. (I.C. § 18-911) Jail or prison sentences for this type of crime can range from six months to 20 years depending on the seriousness of the crime. (I.C. §§ 18-904, 18-910, 18-912)

Data suggests that 80 percent of all rape victims are under 30 years old. One scenario is date rape, also called acquaintance rape, in which an encounter turns into non-consensual sex. Keep in mind that friendship, dating, or even marital status does not convey an invitation to sexual intercourse. Date or no date, it is rape if one of you says "no." (I.C. § 18-6101)

What are "date rape" drugs?

Date rape drugs are drugs that may be slipped into an unsuspecting victim's drink to render him or her physically helpless and pave the way for a sexual assault. The victim may have little or no reason to suspect that anything is amiss. Such drugs are often colorless and tasteless, and they may leave the victim unable to recall what took place. (See adjacent prevention tips). Three such drugs, also called "club drugs," include:

- GHB (gamma hydroxybutyric acid)
- Rohypnol (flunitrazepam)
- Ketamine (ketamine hydrochloride)

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

That depends, in part, on the age difference between you and the minor. If you have sexual intercourse with a person younger than 18 years of age, you are guilty of statutory rape that is punishable by at least one year in a state prison. (I.C. § 18-6101) If you are at least five years older than a minor who is 16 or 17 years old, you could be found guilty of a felony, and you could be sentenced to prison for up to 25 years or life in prison depending on the type of contact. (I.C. § 18-1508A) In general, there are no excuses or defenses for unlawful sexual intercourse in Idaho. A prosecutor might reduce or dismiss the charge if it appears that the minor pretended to be 18 or was doing something that could lead someone to believe that he or she was "of age." But don't count on this.

The charging decision is up to the prosecutor, and you could still be found guilty of a serious crime. Other Idaho laws prohibit sexual abuse or lewd conduct (child molestation) with a child under 16. It need not involve sexual intercourse, and consent is not an issue. Such conduct could be a felony, and could lead to a sentence of up to 15 years in prison for sexual abuse, or life in prison for lewd conduct. (I.C. §§ 18-1506, 18-1508)

If you are convicted of a sex crime, you may have to register as a sex offender for life. (I.C. § 18-8304)

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

In general, yes. It does not matter whether or not you and the baby's mother are married. You are both responsible for such support until

your child turns 18 or graduates from high school, whichever is later. If one of you fails to provide required support and health insurance, the other parent can take the case to court. Also, if the county has to care for the child, a judge could order you to pay the county's attorney fees and court costs if the county takes the case to court. (I.C. § 7-1121)

A judge can also order that your wages, or a portion of them, be deducted from your work paycheck and used for child support payments. (I.C. §§ 32-1202, 32-1204)

What is the Idaho Safe Haven Act?

The Idaho Safe Haven Act is a law aimed at deterring mothers, often young and desperate, from abandoning their unwanted newborns in dumpsters, cardboard boxes, or other unsafe locations. A newborn's custodial parent can voluntarily surrender the infant to a "safe haven" and not risk prosecution for child abandonment or child abuse. The infant must be no more than 30 days old. A "safe haven" may be a place or a person. Examples of safe havens are: hospitals, licensed physicians and their staff, professional nurses, licensed physician assistants, and emergency medical personnel. (I.C. § 39-8202)

doing your part

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

voting

Who can vote?

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

- Are a citizen of the United States. (I.C. § 34-402)
- Have resided in the county at least 30 days before the election. (I.C. § 34-402)
- Are not in prison or on parole for conviction of a felony. (Idaho Const. art. VI, § 3)

Where do I register?

Register at your county elections office or at a temporary registration place set up by the elections office 25 days prior to election. Any person qualified to register can apply to the county elections office by mail or in person. (I.C. § 34-408)

How do I register?

Fill out an Idaho voter registration form and mail it or turn it in to your county's election office at least 25 days before the election. You can access a registration form online at www.idahovotes.gov. If you are a first-time voter in Idaho, you must submit proof of identity and residence. Proof of identity requires a copy of a current and valid photo ID. Proof of residence requires a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. (I.C. §§ 34-404, 34-410)

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

Yes. Idaho is one of the states that allow you to register at your local voting place. You may register before Election Day at your county elections office or at the polls on Election Day. (I.C. § 34-408A)

Where do I vote?

The county elections office establishes the polling place in your neighborhood. Unless there are special circumstances, the location will usually remain the same for all voting. (I.C. § 34-302)

When do I vote?

During every even-numbered year, such as 2008 or 2010, the state will hold primary elections on the fourth Tuesday in May and hold general elections the first Tuesday after the first Monday in November. County, state, and federal political positions will be elected at these

times. (I.C. § 34-601) Your city may also hold elections at different times or in conjunction with statewide votes. Contact your local political parties or check your local newspaper to find out when special elections may be held.

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

Yes, if you have registered there. Otherwise, you will need to vote by absentee ballot. Contact your home county elections office before 5 p.m. at least six days before the election for an absentee ballot. Your absentee ballot must be received prior to 8 p.m. on the day of the election. (I.C. §§ 34-1001 - 06)

jury duty

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

No. To serve on a jury, you must:

- Be at least 18 years old.
- Be a U.S. citizen.
- Be able to read, speak, and understand English.
- Live in the court's jurisdiction.
- Not be a convicted felon, unless your rights of citizenship have been reestablished by law.
- Not have a disability rendering the prospective juror incapable of performing satisfactorily. (I.C. § 2-209)

How are potential jurors selected?

They are selected randomly from voter registration and property taxpayer lists, Department of Motor Vehicles lists, drivers' licenses and state identification cards, and utility company lists. (Counties may supplement the voter registration lists with the other possible lists.) (I.C. § 2-206) Once summoned to court, the prospective jurors then make up the panel from which trial jurors are chosen. (I.C. § 2-208)

Do all potential jurors wind up serving on a jury?

No. The court typically brings in more prospective jurors than needed. This is because some people are automatically excused and others may be excused during the jury selection process. (I.C. § 2-208)

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

Yes. You must respond on time and you must respond truthfully. If you fail to respond to a jury summons or lie to try to disqualify yourself, you can be held in contempt of court and be fined or imprisoned or both. (I.C. §§ 2-208, 2-217) (Read the summons from your particular court to find out how to respond in your county.)

If you cannot serve on the summons date, you may ask for a postponement to a more convenient time. Your request will be granted only upon a showing of undue hardship, extreme inconvenience, or public necessity. To request a postponement, you must provide a written statement with the reason why and when that reason will no longer exist. If the postponement is based on a medical reason, your medical provider will need to provide a statement as well. The court or jury commissioner will determine if a postponement is necessary and for how long.

Also, if you do not meet the above eligibility requirements for jury service, contact your local jury office. You will be excused for two years after disqualification. Whatever your circumstances, however, do not ignore the jury summons. (I.C. §§ 2-209, 2-212)

Why would a judge excuse some people and not others?

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

- Have family members related to someone involved in the case.
- Have a financial interest in the case.
- Have been convicted of a felony, have prejudice or bias, or have formed an opinion regarding the outcome of the case. (I.C. § 2-209(2)(b))

The judge may also excuse a potential juror if service on the

jury would cause undue hardship on him or her or on the public. Judges may use their discretion. (I.C. § 2-212(3))

What happens during the jury selection process?

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

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

Employers are required to give employees time off for jury duty. (Depending on your employer, however, you may lose wages during that time.) Also, it is against the law for an employer to fire or harass you for reporting to jury duty as long as you have given the employer reasonable notice. (I.C. § 2-218) If this occurs, notify your local jury office or the judge assigned to your trial.

Will I be paid anything for my jury service?

Yes, but not much. The county will pay you \$5 for a half day in court or portion thereof, unless you had to travel 30 miles or more from your home and then the county will pay you \$10 for every half a day. The county will also pay mileage from your residence directly to the court at the same rate per mile as county employees get paid for their mileage expense. (I.C. § 2-215)

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

In every two-year period, you will not be required to serve or attend court for possible service as a trial juror for more than ten court days, except if necessary to complete service in a particular case. You are considered available for jury service for a period of six months from the date of receipt of your summons. By showing up for jury service, whether or not the roll is called, the time spent will count towards the ten days of required jury service. (I.C. § 2-216)

What it is like serving on a jury?

Trials can range from a day or two in length to months or, in rare cases, even longer. However, the judge in the case will have some idea of what to expect. If serving as a juror in a long trial would be extremely difficult for you, you will have an opportunity to explain your situation to the judge. Being on a jury can be a rich and rewarding experience. There are countries in which the citizens do not have such a right. As a juror, you will be called upon to judge the facts. The trial judge may take away your decision only in very limited circumstances. For more information on jury service, visit the Idaho Courts Web site at www.isc.idaho.gov/juryserv.htm.

selective service

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

It depends. If you are a male U.S. citizen or male immigrant living in the United States, you generally must register with the Selective Service System within 30 days of your 18th birthday. All eligible young men ages 18 through 25 must be registered. Women are exempt. (50 USC §§ 451, et seq.; I.C. § 46-502)

Failure to register could result in a maximum \$250,000 fine and/or five years in prison. In addition, you must register to qualify for federal student aid, federal jobs, and federal job training, as well as any state student financial aid or state employment. (I.C. § 46-503) And if you are an immigrant from ages 18 to 25, you must register to remain eligible for citizenship.

How do I register?

You have several options. You can:

- Register online at www.sss.gov.
- Pick up a form at your local post office, complete it, and mail it in.
- Mail in a completed Selective Service reminder card (a card sent to most young men around their 18th birthdays).
- Check the appropriate box on a Federal Student Financial Aid form. The Department of Education will then supply the necessary registration information to the Selective Service.

- Register at your high school. Many high schools have staff members who are Selective Service registrars.
- Register at any U.S. embassy or consular office if you are living overseas.

Why is there a Selective Service registration?

Such registration allows the government to keep a list of young men who could be summoned quickly - in a fair and random order - in the event of a national emergency.

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

A lottery would determine draft priorities based on the registrants' birth dates. Using a random selection of birth dates, young men who would be turning 20 during the year of the lottery would be called first, followed by the 21, 22, 23, 24, and 25-year-olds. Men younger than 20 would be called last.

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

No. There are no student or job-related deferments. As a college student, you would only be allowed to postpone your service until the semester's end or, if it is your senior year, until the end of the year. Hardship, conscientious objector, and ministerial exemptions are still allowed. (10 USC § 456)

Can I enlist for military service when I turn 18?

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

marriage and partnerships

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

How does the law define marriage?

Marriage is a personal relationship between a man and a woman that arises out of a civil contract between them. The consent of both parties is necessary for the contract to be valid. Consent alone does not make a marriage. It also requires a license and solemnization as provided by law. (I.C. § 32-201)

Where can I get a marriage license?

Both the man and woman who desire to get married must go to a county recorder of any county in Idaho to apply for a marriage license. (I.C. § 32-401, 32-403) There will be a legal fee that must be paid before a marriage license can be issued. (I.C. § 32-408) Upon applying for a marriage license, the county recorder will be required to provide to each party an educational AIDS pamphlet that both parties must certify to the recorder they have read or had read to them. (I.C. § 32-412) Any ordained minister or clergyman, judge, mayor, or justice of the peace is authorized to solemnize the marriage. (I.C. § 32-303) It is the duty of the person who performs the marriage ceremony (judge or minister) to return the marriage license within 30 days of the marriage for it to have effect. (I.C. § 32-402)

What is community property?

Idaho is a community property state. Property that either spouse acquires after marriage is presumed to be community property unless the parties by written agreement convey the property to one of them (e.g. deed that indicates one of the parties as single or unmarried). Then it is separate property. (I.C. § 32-906) Separate property is any property that a person acquired before marriage or that is devised (e.g. given through a will), given by descent (e.g. given through rights of inheritance of a deceased ancestor), or given to a person as a gift during marriage or that is acquired with proceeds of separate property. (I.C. § 32-903) The party that obtains separate property during marriage must keep it separate from the community if that party wishes to keep the property as his/her separate property.

What is a prenuptial agreement?

It is an agreement that both the prospective husband and wife enter into before getting married. It is normally used to determine how property will be divided upon the event of divorce or death of the other party and to determine the characterization of income and property. Like other contracts in law, nothing in the agreement can violate public policy or criminal law. Child support cannot be addressed in the prenuptial agreement.

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

Idaho law requires both husband and wife to provide mutual respect, fidelity, and support to each other. (I.C. § 32-901)

What are grounds for divorce?

In Idaho, divorces may be granted for adultery, extreme cruelty, willful desertion, willful neglect, habitual intemperance (e.g. alcoholism), conviction of felony, when either spouse has become permanently insane, or for irreconcilable differences. (I.C. §§ 32-603, 32-801, 32-805) The grounds most commonly cited in Idaho are irreconcilable differences.

How do I get divorced if my marriage breaks down?

You must file a divorce complaint or petition with the court if you have resided in Idaho for the last six weeks. (I.C. § 32-701) You will most likely want to contact an attorney to discuss the issues involved with divorce proceedings, especially if you have children, so that child support will be calculated in accordance with the Idaho Child Support Guidelines. The State of Idaho provides forms to help you if you wish to file for divorce on your own. They can be obtained at www.courtselfhelp.idaho.gov/familylaw_new.asp. It is best to consult with an attorney even if you decide to go forward on your own to get an understanding of issues surrounding divorce.

What should I know about child custody?

If children are involved in a divorce proceeding and you cannot agree who should have custody, the court will determine custody issues. When parents are equally capable of caring and providing for their children, the law provides that joint legal and physical custody is in the best interest of the children, and if parents cannot agree, courts must design a schedule that is in the best interest of the children. Joint legal custody requires both parents' cooperation in making decisions for the minor children. Sole custody is usually not favored and is granted only when circumstances are such that it is in the best interest of the children. Courts will put the best interests of the children above the desires of either parent.

Can same-sex couples get married?

No. Idaho's Constitution and marriage statutes provide that only a man and woman can be married. Civil unions and domestic partnerships are illegal in Idaho (Idaho Const. art. III, § 28; I.C. § 32-201)

What if I can't afford to support my children after my divorce?

The State of Idaho can automatically garnish your wages if there is a child support order regardless of whether or not you are behind in your child support payments. (I.C. § 32-1201) A garnishment action is usually instigated by the spouse to whom you are paying child support, but the state can instigate action against you on its own without prior notice to you.

What could happen if I don't provide support because I don't think the child is mine?

If you have already acknowledged on the birth certificate that you are the child's father, Idaho recognizes it as a legal finding of paternity. (I.C. § 7-1106)

There is a presumption in Idaho that you are the father of any children born by your wife during the marriage. If you know you are not the father at the time of birth and are married to the mother, you may file an affidavit that states you are not the father with the Department of Health and Welfare. Such an affidavit must also be signed by the mother to have any effect. (I.C. § 7-1106) You may deny that you are the father and request a genetic test to determine paternity.

If you are not married, a paternity action may be started by you, the mother, the guardian of the minor child, or the Department of Health and Welfare. (I.C. § 7-1110) You have the right to request blood or genetic testing to determine paternity. However, you may be held responsible to pay for the tests as well.

Can my parental rights ever be taken away?

Yes. Idaho terminates parental rights for the following reasons:

- The parent has abandoned the child.
- The parent has neglected or abused the child.
- The presumptive parent is not the biological parent of the child and has not assumed the role of a parent.



- The parent is unable to discharge parental responsibilities and such inability will continue for a prolonged indeterminate period and will be injurious to the health, morals, or well-being of the child.
- The parent has been incarcerated and is likely to remain incarcerated for a substantial period of time during the child's minority.
- Termination is in the best interest of you and the child. (I.C. § 16-2005)

dealing with domestic violence

No one - that includes your boyfriend, girlfriend, or family members - has the right to hurt you. Unfortunately, physical abuse and threats of abuse between intimate partners and family members is common. Abusive behavior may begin with shouting and escalate to hitting and, in some cases, even deadly force. Such abuse - referred to as *domestic violence* - cuts across all cultures, ethnic backgrounds, education levels, and income brackets. It impacts gays and lesbians as often as heterosexuals. It happens to teenagers as well as senior citizens, and men as well as women.

What is domestic violence?

Idaho law defines *domestic violence* as the physical injury, sexual abuse, or forced imprisonment or threat thereof directed toward a spouse or former spouse, a domestic partner or former domestic partner, a cohabitant or former cohabitant, a person related by blood or marriage, a person with whom the abuser has had a dating relationship, or a person with whom the abuser has had a child. (I.C. §§ 39-5202, 39-6303)

Domestic abuse (not always "violence" as can include threats of violence and/or imprisonment) is behavior driven by a need to control. It can range from threats (phone calls are not domestic abuse unless threat of physical harm) and stalking (such as following the victim to and from work and threatening the victim), forced imprisonment, to unwanted sexual touching and hitting. (Destruction of personal property is not grounds for a protection order but may be relevant to a court's issuance of a protection order.) Research suggests that women ages 16 to 24 in Idaho are victimized by intimate partners at a higher rate than any other group.

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

If you are in immediate danger, call 911. When the police arrive, explain what happened. The officer who arrives will give you a written statement that will tell you of local shelters and other community resources. The officer will make sure you have transportation to a hospital for treatment or to get you to a shelter or other safe place. The officer will also give you a written notice that informs you of your right to ask the city or county prosecuting attorney to file a criminal complaint. (I.C. § 39-6316) When an abuser is charged with a crime of violence, the judge in the criminal case will typically issue a no contact order restricting the abuser from contacting the victim during the case.

The victim can also file for a civil protection order to prevent additional domestic abuse. The protection order restrains the abuser from committing further acts of violence, can direct them to leave your household, prevent them from entering your school or work place, and otherwise prevent all contacts with you. (I.C. § 39-6304) There is no charge to file for a protective order. The application is available at the court clerk's office and is designed to be obtained without an attorney. A brochure concerning protection orders can be found at www.idaholegalaid.org/Data/DocumentLibrary/Documents/1164746575.49/What%20is%20a%20civil%20protection%20order.pdf.

Can I seek a criminal complaint against my abuser?

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



crimes and consequences

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

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

What is a crime?

A crime is doing something illegal - such as destroying someone else's property or using illicit drugs - that is punishable by a fine or imprisonment. (I.C. § 18-109)

Are there different levels of crimes?

Yes. Offenses are divided into three general categories:

- **Felonies** are the most serious and can result in a fine and/or commitment to state prison. In addition, certain felony convictions can lead to life in prison without the possibility of parole, or even the death penalty. (I.C. § 18-111)
- **Misdemeanors** are less serious crimes punishable by a fine and/or jail time. Most carry a maximum jail term of six months, some carry as much as a year. (I.C. § 18-113)
- **Infractions** are not crimes, but are civil offenses. They do not involve any time in jail, but do require a court appearance and/or payment of a fine. If charged with an infraction, you are not entitled to a jury trial or an attorney at state expense. Most traffic violations are infractions, but some are misdemeanors or felonies.

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

You are still guilty of the crime. Ignorance of the law is not an excuse. Ask yourself if what you are doing will harm somebody or damage someone else's property. If it will, it's wrong and may be a crime. (I.C. § 18-201)

What happens if I am arrested?

You will be searched, handcuffed, and taken to a police station. If you are questioned following your arrest, the police should advise you of your rights - commonly known as the "*Miranda*" warning - under the United States Constitution (*Miranda v. Arizona*, 384 U.S. 436).

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

Once you have identified yourself, you can refuse to discuss your case with police. Law enforcement officers cannot threaten you or force you into answering questions. Also, you have the right to have an attorney present during any questioning. If you cannot afford to hire an attorney, the court will appoint one for you. (I.C. § 19-852)

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

What happens after I have been arrested and "booked"?

An "initial appearance" in court usually occurs within 24 hours. If you are arrested on a weekend, however, you may have to wait until Monday morning when court opens. (Idaho Criminal Rule 5)

Can someone bail me out?

Maybe, It depends on the circumstances of your case. *Bail* is designed to guarantee your appearance in court. The court will often require that a certain amount of money be deposited with the clerk of courts. Sometimes the court allows the deposit of a bond or the title to a home. Usually a member of your family must obtain the funds, deposit the money, and show the receipt in order to get you released. In some situations, you could be released on your own recognizance without posting bail. (I.C. § 19-2904; Idaho Criminal Rule 46)



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

You are entitled to an attorney. At your initial appearance, tell the judge that you wish to speak to someone from the local public defender's office. Generally, the judge will postpone your case to give you time to contact a public defender. (I.C. § 19-852)

What happens if I help a minor break the law?

If you help a minor commit a crime, you could face criminal charges as well. (I.C. § 18-204)

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

It is against the law to make a false police report or give false information to a police officer (I.C. § 18-705), make a false emergency call (I.C. § 18-6711A), or make a false report of a bomb or explosives (I.C. § 18-3313). In addition, you should tell the truth if you are questioned as a witness in court. To lie under oath is itself a crime. (I.C. § 18-5401)

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

If you are being placed under arrest, cooperate with the officer - even if you think he or she is out of line. You can, if you choose, protest and seek lawful remedies against the officer later.

For example, you could hire an attorney, seek help from a legal aid organization, or take your case to a special law enforcement agency, private agency, or organization set up to handle such complaints. Or, if a federal law may have been violated, you might contact the U.S. Attorney's Office or FBI.

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

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

It would depend on the nature of your crime. If you are at least 14 and you are charged with any one of certain serious felonies, including

- murder or attempted murder,
- forcible rape,
- robbery,
- assault or battery with the intent to commit any of these crimes, or
- delivering drugs on school grounds or within 1,000 feet of school grounds,

you will be tried as an adult. If you are convicted, you may be punished as an adult would be. (I.C. § 18-509) Also, if you are at least 14, and even if you are charged with a crime that isn't on this list, the prosecutor may ask the court to try you as an adult rather than as a juvenile. The judge will then look at the seriousness of the charged crime and your prior record before deciding whether you should be treated as an adult. (I.C. § 18-508)

Can I get my criminal record sealed?

Not if you are charged as an adult. You may be able to have your record sealed if you were charged or convicted as a juvenile. Most crimes that cannot be sealed involve violence against another person, serious felonies, or drug trafficking.

An Idaho juvenile court record may be sealed when you turn 18 or five years after your last juvenile court case was dismissed (whichever comes last). You must ask the juvenile court to seal the record. The court will hold a hearing where you must show you have not been convicted of a felony or of a misdemeanor where violence against another person was even attempted since the end of the court's jurisdiction or your release from the juvenile corrections center. Also the court will look to ensure no such proceeding is pending against you. The court will further look to see if you have been held accountable, if you are developing life skills necessary to become a "contributing member of the community," and if the sealing of your record will not compromise public safety.

If the court grants the sealing of records, it will order all records in the petitioner's case in the custody of the court and all such records, including law enforcement reports and records, in the custody of any other agency or official sealed; and will order all references to the trial and conviction removed from all other records available to the public. (I.C. § 20-525A)

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

Even when a record has been sealed by the court, a partial record remains. Once a record has been sealed, the police, probation department, and court cannot legally release any information about it unless reopened by court order. (I.C. § 20-525A)

What are some consequences of having a criminal record?

- A driver's license may be denied on the basis of a criminal record, and many jobs require a car. (I.C. § 49-303)
- A criminal record might prevent a person from being accepted by the college or university of his or her choice.
- A person who has been convicted of a crime may be prevented from entering the armed forces or, if accepted, may not be given a commission or a security clearance. (10 USC § 504)
- A person who has been convicted of a felony loses the right to vote. (Idaho Const. art. VI, § 3)
- Many businesses require employees to be bonded. An insurance company usually refuses to bond anyone who has been convicted of a felony.

- Some employment may be closed to those convicted of a crime or those who committed an offense which would be a crime if committed by an adult.
- If you are not a citizen and you are convicted of violating any law or regulation of a state, the United States, or a foreign country, you could be deported and prohibited from returning to this country. (8 USC §§ 1182, 1251)
- If you are convicted of a felony, you will also lose your right to possess a firearm. While some of your civil rights will be given back to you once you have completed any prison term and are off probation or parole, your right to possess firearms will be lost permanently if you are convicted of certain serious felonies. (I.C. § 18-310)

Are there state and federal criminal laws?

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

In addition, the federal government has its own system of courts, law enforcement agencies, and laws. The federal courts also have their own sentencing provisions and correctional agencies. Many federal criminal laws relate to acts involving U.S. governmental agencies, such as the U.S. Postal Service and the U.S. Treasury, and to crimes involving interstate commerce. Also, most federal crimes are felonies punishable by more than a year in prison.

What are some common federal crimes?

- Transporting a stolen vehicle across state lines. (18 USC § 2313)
- Making a false statement to the government with the intent to defraud. (18 USC § 1001)
- Mailing matter that is obscene or incites crime. (18 USC § 1461)
- Transporting or importing narcotics. (21 USC § 801)
- Forgery of government checks. (18 USC § 513)
- Possession of stolen mail and items - such as credit cards - which have been stolen from the mail. (18 USC § 1708)
- Robbery or burglary of a bank or savings and loan institution. (18 USC § 2113)

guns and other weapons

Before you turn 18, you cannot own or use a firearm or any other weapon without written parental permission or parental supervision. Now you are able to buy a gun, but if you do choose to possess a gun or have any contact with one, be aware of the responsibilities, safety rules, risks, and dangers associated with firearms.

In 2004 alone, 649 people died in gun-related accidents nationwide. Just over 11,500 homicide victims were shot to death. And more than 16,500 people used guns to kill themselves.

I just turned 18 and my 17-year-old buddy asked me to buy a rifle for his next hunting trip. He's got a valid hunting license, is there a problem?

There is a problem because it is against the law to sell a weapon to a minor without the written consent of the minor's parent or guardian. (I.C. § 18-3302A) A person under 18 cannot possess a weapon unless he or she has written permission of a parent or guardian, or is accompanied by a parent or guardian. And a person under the age of 12 cannot possess a weapon unless accompanied by an adult. (I.C. § 18-3302E)

My fifteen-year-old sister has her own gun with written permission by our parents; she asked me to go buy her some ammunition; could I get in trouble for this?

It depends on the type of ammunition. Shotgun shells or .22 bullets are permissible, but all other explosives and ammunition cannot be sold or given to people under the age of 16 without the written consent of a parent or guardian. (I.C. § 18-3308) It would be better for your parents to get her the ammunition, or at least to get their permission first.

What other firearm-related laws should I know about?

- If you make ANY threat, by word or action, to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds, you would be guilty of a misdemeanor. (I.C. § 18-3302I)
- If you draw or show any deadly weapon in a rude, angry, or threatening manner, except in self-defense, in the presence of two or more persons, or if you unlawfully use any deadly weapon, in any fight or quarrel, you would be guilty of a misdemeanor. (I.C. § 18-3303)
- If you intentionally point or aim any firearm at or toward any other person, you shall be guilty of a misdemeanor, regardless of whether it is loaded. (I.C. § 18-3304)
- Any person who shall discharge, without injury to any person, any firearm, while intentionally, without malice, aimed at or toward any person, is guilty of a misdemeanor, and can face a fine of a \$1,000 and/ or up to six months in jail. (I.C. § 18-3305)
- It is unlawful for any person to intentionally and unlawfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited mobile home, inhabited travel trailer, or inhabited camper. Any person violating these provisions would be guilty of a felony. (I.C. § 18-3317)
- Loaded weapons cannot be shipped. (I.C. § 18-3310)
- Possession of a bomb or destructive device with unlawful intent or "designed to propel shrapnel" is a felony and can be punished by up to five years in prison and a fine of up to \$5,000. (I.C. § 18-3319)

Concealed Weapons Permit

The sheriff of a county can issue a concealed weapons permit to qualified people. Permits are generally not available to persons under the age of 21. Even with a concealed weapon permit, weapons cannot be carried in a courthouse, juvenile detention facility or jail, public or private school. (I.C. § 18-3302C) It is against the law to carry a concealed weapon when intoxicated or drunk. (I.C. § 18-3302B)

Federal Gun Laws

There are federal gun laws that prohibit ownership of shotguns with a barrel shorter than 18 inches, a rifle with barrel shorter than 16 inches, silencers, machine guns, and destructive devices without proper registration. (26 USC §§ 5841, 5845)

Do I need a license to hunt?

Yes. In Idaho, you must have a license to hunt any bird or animal. In addition, you will need a "certificate of competence" from a hunter-safety training course to get such a license. (I.C. §§ 36-401, 36-411)

hate crimes

What is a hate crime?

While the Idaho Code does not specifically use the term "hate crime," it defines "malicious harassment" as a crime that occurs when a person, maliciously and with specific intent to intimidate or harass another person, uses or threatens to use violence against a person, or to damage or deface their property, because of that person's race, color, religion, ancestry, or national origin. (I.C. § 18-7902) Whether it's called a hate crime or something else, the law abhors such behavior.

How does the law deal with these crimes?

In Idaho, malicious harassment is punishable by imprisonment for up to five years, or a fine of up to \$5,000, or both. (I.C. § 18-7903) A victim of malicious harassment may also sue the perpetrator in a civil cause of action (created by statute) for damages, including but not limited to emotional distress, attorney fees, and punitive damages. (I.C. § 18-7903) It should be noted that these punishments are in addition to any punishments for assault or destruction of property that the perpetrator would otherwise face if the crime was not committed on the basis of race, color, religion, ancestry, or national origin.

What are some examples of hate crimes?

Hate crimes can take many forms, the most extreme form being an actual physical assault or homicide. Yet the definition also includes attempted assault or even the mere threat of assault, if there is a reasonable expectation that the threat will be carried out. (I.C. § 18-7902) Also included is the placement of symbols commonly associated with racial, religious, or ethnic terrorism on the real or personal property of another, or actually damaging another's property on the basis of the race, color, religion, ancestry, or national origin. Other examples could include threatening phone calls, letters, fire-bombings, cross burnings, and graffiti on your house or car. While taunts do not generally rise to the level of a crime unless actual threats are made, they can nevertheless indicate a person's intent.

The vast majority of Idahoans welcome and accept people from all backgrounds, and individuals do not need to hide or be ashamed of who they are. Yet, if you find yourself in a threatening situation, avoid provocative language and actions. You do have the right to defend yourself when attacked, but do not seek revenge. Only use enough force to protect yourself, and then seek immediate aid from law enforcement.

civil laws and lawsuits

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

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

What is a tort?

Tort is a legal term for certain types of injuries or damages that lead to civil lawsuits. If you commit a tort by causing injuries or damages to another, you could be sued. It doesn't matter whether you injure the person on purpose or by accident. Some torts are also crimes, so you could be tried in two different courts for the same conduct. If you are found liable, you could be ordered to pay all resulting damages. Examples of torts include:

- Negligent driving - injuring persons and/or property.
- Assault - unlawfully attempting to touch or hurt another person.
- Battery - intentionally touching another person without his or her consent.
- False imprisonment - keeping someone in a room or a car or other place so he/she can't leave.
- Defamation - an unlawful written or spoken attack on the reputation of another.

Is there any time limit for filing a lawsuit?

Yes, there are statutes of limitations - laws that set timelines. Legislatures decide the time for filing certain types of lawsuits. For example, the time limit for enforcing a written contract is five years, and four years for an oral contract. (I.C. §§ 5-216, 5-217) The time limitation for an action of personal injury (e.g. vehicle accidents) is two years. (I.C. § 5-219) If the injury occurred while you were under the age of 18, the statute of limitations cannot be tolled (stopped) for more than six years. (I.C. § 5-230)

surfing the internet

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

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

Yes, sometimes. You could get into trouble, for example, if you download sexual pictures of children or young teens and keep them. Possession of or control over child pornography (any matter depicting a person under the age of 18 engaged in or simulating sexual conduct) is a felony and can be punished by up to 10 years in prison and a fine up to \$10,000. (I.C. §§ 18-1507 – 07A) So, any e-mail with an attached photo of child pornography should be deleted immediately.

Is it safe to give out personal information online?

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

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

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

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

Computers, the Internet and Theft

The law prohibits:

- Pirating or downloading copyrighted material (such as music) without authorization. Under federal law, criminal copyright infringement, including infringement without monetary gain, is punishable by up to five years in federal prison and a fine up to \$250,000.
- Accessing someone else's computer without authorization. (I.C. § 18-2202)
- Devising and executing schemes to obtain money, property, or services with false or fraudulent intent through a computer. (I.C. § 18-2202)
- Deleting, damaging, or destroying systems, networks, programs, databases, or components of computers without authorization. (I.C. § 18-2202)
- Disrupting or denying access to the authorized users of a computer.
- Introducing contaminants or viruses to a computer.

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

Absolutely. Internet crime is increasingly common. Victims report fraudulent Internet auctions, credit/debit card fraud, and purchased merchandise that was never delivered. For more information on common types of Internet fraud and how to protect yourself, go to www.fbi.gov. Victims can file complaints with the Internet Crime Complaint Center (a joint FBI and National White Collar Crime Center project) at www.ic3.gov.

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

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

protecting your identity

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

Identity theft is the use of someone's personal identifying data to commit fraud or attempt to do so. Personal identification information includes your Social Security number, bank account numbers, and mother's maiden name. Identity theft is the nation's fastest growing crime. Nearly 10 million Americans fall victim to such theft annually at enormous cost: Businesses and consumers lose some \$50 billion a year. It can ruin your personal credit. And it can take hundreds of hours to undo the damage.

Idaho's identity theft statute states that if the retail value of goods obtained by identity fraud exceeds \$300, the theft is a felony punishable by up to five years in jail, or a fine up to \$50,000, or both. (I.C. § 18-3128)

How can I protect myself against identity theft?

In today's society, there is no way to protect yourself completely. Personal identifying information is used routinely to access one's bank account, for example, or to apply for a loan. In some cases, you will be required to provide such information. Still, you can take certain steps to help avoid identity theft. For some tips, see the box on page 14, Top 10 Tips for Identity Theft Prevention.

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

Unfortunately, some identity thieves go undetected for long stretches of time. The victim only discovers the situation after an

Top 10 Tips for Identity Theft Prevention

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

unsolicited credit card arrives in the mail or a debt collector calls about an unpaid, and unfamiliar debt. Be sure to check your credit report at least once a year (see below). Current federal law allows you to check each credit bureau once per year for free. (See Web site: www.ftc.gov/bcp/conline/pubs/credit/freereports.shtm.) If you have not yet established a credit history, don't be alarmed if you initially receive "report not found." That should be good news. If, however, you find inaccurate information on your report, contact all three major credit bureaus:

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

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

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

Take action immediately. File a report with the local police or the police in the community where the identity theft took place. Keep a copy of the report. You may need it to validate your claims to creditors. If you can't get a copy, you should at least get the report number.

For guidance, visit the Web sites of the Theft Resource Center (www.idtheftcenter.org), the Privacy Rights Clearinghouse (www.privacyrights.org), and the Federal Trade Commission (www.ftc.gov). Register a complaint with the Federal Trade Commission (FTC), fill out the FTC's ID Theft Affidavit, and contact all affected creditors. Also, you will need to send certain information to the businesses, banks, and credit card companies where your identity was used to obtain credit.

consumer protection

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

What are some examples of consumer protection laws?

Idaho's Consumer Protection Rule (CPR) 31 (IDAPA 04.02.01.31) places the responsibility for truthful advertising on the seller. As such, sellers must be able to substantiate all claims or offers made in their advertising. For example, a seller who advertises that its prices are "the lowest in Idaho," must maintain sufficient records to prove that representation.

Other laws require door-to-door salespersons to notify consumers that they have the right to cancel a sale within three business days of a purchase.

In order to cancel, the consumer must provide written notification to the seller within three business days of the purchase.

The federal Truth-in-Lending Act (15 USC §§ 1601, et seq.) requires lenders and credit card companies to inform consumers of the costs, such as late fees, associated with any credit offer. Consumers also can cancel a credit sale that occurred in their homes if the consumer notifies the creditor within three business days of sale.

Looking for more information on the law?

We hope this guide will help you make this important transition into adulthood. For additional copies of Turning 18 in Idaho, see page 2. For a list of available pamphlets on matters of legal importance visit www.courtselfhelp.idaho.gov/materials_new.asp.

We extend our special thanks to the California Law Advocates, who created the original version of "When you Become 18", and to The State Bar of California for granting permission to adapt it for use in the Idaho context.

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

Every once in a while a car turns out to be a lemon. A lemon is new car that has a defect that cannot be cured after several attempts or a new car that has spent an inordinate amount of time in the repair shop. The manufacturer has a right to attempt to correct any defect. But if a car is a lemon, a consumer is entitled to a replacement car or full refund. If a manufacturer refuses to comply with Idaho's lemon laws, the consumer is entitled to recover any costs, including attorney's fees, spent to enforce these provisions. (I.C. §§ 48-902, 48-903, 48-909)

What are 'express' and 'implied' warranties?

They are two types of consumer warranties - express warranties and implied warranties. An express warranty is a guarantee that a product will perform as promised. Every written and oral promise made by the seller, every description written on a package, and every representation made by a sample or model becomes part of the express warranty. There is no need for official language such as "warrant" or "guarantee" in order to make an express warranty. (I.C. § 28-2-313)

An implied warranty exists, by law, when the consumer purchases an item. In short, you have the legal right to expect that your new item will be "suitable" for what it was intended. A new watch, for example, should adequately tell time, not merely look nice on your wrist.

However, an implied warranty may be excluded by the language of a contract. (I.C. §§ 28-2-314 - 316)

Caution: If you buy something "As Is," there is no warranty and no recourse if the item turns out to be defective.

What if nobody will listen?

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

- For the State of Idaho - Office of the Attorney General, Consumer Protection Unit www2.state.id.us/ag/consumer/
- For the Federal Government - The Federal Trade Commission Tel: 1-877-382-4357 / www.ftc.gov
- The Better Business Bureau - www.BBB.org

You might also consider filing a claim in small claims court if your loss is \$5,000 or less. (I.C. § 1-2301) For information on filing a claim in small claims court, a pamphlet, "How to File or Defend a Suit in the Idaho Small Claims Departments," is available from the district court clerk's office in each county, or from the Administrative Office of the Courts, 451 W. State, Boise, Idaho 83702. For additional information, go to www.courtselfhelp.idaho.gov.

finding legal help

There may come a time when you need an attorney. To find one, ask a friend or a trusted business associate for a referral. Or, call the Idaho State Bar Lawyer Referral Service at (208) 334-4500. For an online list of services, visit the Idaho State Bar's Web site at www2.state.id.us/isb/. The Web site offers services such as an Attorney Directory, How to Find an Attorney, A Consumers Guide to Lawyers, and the Idaho Volunteer Lawyer Program.

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

The State Bar certifies "specialists" in 12 legal areas. (Not all qualified attorneys seek such certification, however.) For more information, visit the Idaho State Bar's Web site at www2.state.id.us/isb/. Click on "Frequently Asked Questions" and then click on "Specialization."

If you've been accused of a crime and cannot afford a lawyer, you may qualify for free help from the public defender's office or a court-appointed private attorney. In civil matters, individuals with little income may qualify for no-cost help from a legal services program. More information on legal services programs may be found at www.2state.id.us/isb/pub_info/ivlp.htm for the Idaho Volunteer Legal Program, or at www.idaholegalaid.org/home/publicweb for the Idaho Legal Aid Services, Inc.

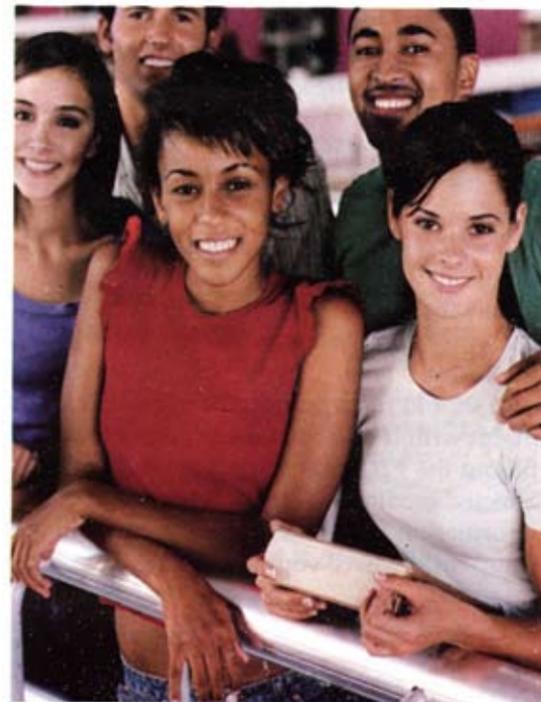
Turning

18

In Idaho

This project was made possible by a donation from KNG Charities, an employee owned enterprise excelling in quality, product and service.

The University of Idaho College of Law is proud to partner with the Idaho Law Foundation to educate young adults about their rights and responsibilities under the law. *“Turning 18 In Idaho”* provides you with valuable information to help navigate the exciting and sometimes daunting transition from childhood to adulthood. We hope that you will read this guide and share it with young adults, parents, teachers, and others as a helpful resource on issues important to today’s teenagers.



This publication was created by law students, with guidance from members of the Idaho State Bar, as part of a pro bono service program at the College of Law. The pro bono program, in which all students participate, is one of the distinctive elements of a legal education at the University of Idaho.

The publication is co-sponsored with the Idaho Law Foundation, the philanthropic arm of the Idaho State Bar.

If you would like to support other important projects undertaken by the College of Law pro bono program, or funded by the Idaho Law Foundation, you can send tax-deductible contributions to the addresses shown below.

With best regards, and in the spirit of public service,

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