

GLENN COUNTY
**JUVENILE
JUSTICE
HANDBOOK**



Sponsored and distributed by the

**GLENN COUNTY JUVENILE JUSTICE &
DELINQUENCY PREVENTION COMMISSION**

Second Edition - Spring 2006

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JUVENILE JUSTICE COMMISSION
2005-2006 MEMBER LIST

Clifta Atlas

Linda Dahl (Chair)

Lynn Gustafson

Kathleen M^cGee

Sheri Mendon

Ray Odom

Mark Sawyer

Eugene Schonauer, Jr.

Joan Thodas

Alberto Vargas

John Viegas

Student Members

Beth Barker, Willows High School
Joaquin Ticonderoga, Hamilton High School

Dear Students, Parents, and Teachers:

We hope you, the young people of Glenn County, and your parents and teachers, find this booklet to be of value. Knowledge of state and local laws can be helpful in making good decisions about your daily activities. Remember: Ignorance of the law is no excuse.

A successful future depends upon a person learning to make good decisions when he or she is young. Good decisions make life easier. Bad decisions create grief and cause things to be more difficult. With this in mind, we hope you take time to consider the law and weigh all the consequences each time you act.

Understanding your rights and responsibilities go hand in hand with a free society. We believe knowledge of the law can help you to better understand your rights, more easily meet your responsibilities, and make your life more meaningful and trouble free.

The Glenn County Juvenile Justice Handbook is intended to answer many questions posed by Glenn County youth and their parents. It does not contain the laws themselves, but what we hope are easy-to-read “translations.”

For complete statements of the law, you may refer to the codes given within each section of this booklet. A complete set of California codes may be found in many public and state libraries. You are also free to discuss this with an attorney or knowledgeable teachers. Remember that laws undergo constant change with new ones being added and old ones being revised or deleted. This booklet should only be a general guide to current law.

Donald Cole Byrd, Presiding Judge
Glenn County Superior Court

Angus I. Saint Evens, Judge
Glenn County Superior Court

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KEY TO ABBREVIATION CODES

B&P	=	Business and Professions Code
CAC	=	California Administration Code
CC	=	Civil Code
DSS	=	Dept. of Social Services
EC	=	Education Code
F&G	=	Fish and Game Code
FC	=	Family Law Code
GCC	=	Glenn County Code
HRA	=	Human Resource Agency
H&S	=	Health and Safety Code
LC	=	Labor Code
OMC	=	Orland Municipal Code
PC	=	Penal Code
USC	=	United States Code
USPL	=	United States Public Law
VC	=	Vehicle Code
W&I	=	Welfare and Institutions Code
WMC	=	Willows Municipal Code

JUVENILE JUSTICE SYSTEM

WHAT ARE THE MAJOR COMPONENTS OF THE JUVENILE JUSTICE SYSTEM?

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

HOW ARE THE JUVENILE CASES DIVIDED UP IN THE SYSTEM?

There are three broad categories of juvenile cases, each defined in the Juvenile Court Law, which is contained in the Welfare & Institutions Code of California. Children who have committed crimes come under section 602, and are handled by the Probation Department. Children who are not committing crimes, but who are beyond the control of their parents or who are habitually truant come under the provisions of section 601. These cases are also managed by the Probation Department. Children who have been the subject of abuse or neglect come within section 300. These cases are handled by the HRA. Each of these three areas will be discussed in the sections that follow.

WHAT IF I HAVE A COMPLAINT ABOUT THE JUVENILE JUSTICE SYSTEM?

If you believe that one or more of the agencies in the juvenile justice system has failed to answer your concerns or problems, contact the Juvenile Justice Commission at (530) 934-6382.

HOW THE SYSTEM WORKS: CRIMINAL ACTIVITY (Section 602 Cases)

ARREST/CITATION BY POLICE

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

If the crime is too serious to release the minor, however, or if the officer has other reasons not to release the child, the officer is given the discretion to take the child into custody and book him into the Glenn County Juvenile Hall. Juvenile Hall is a place for the temporary housing of minors. There must be a specific reason for such a placement,

such as committing an act which is a crime, or violating a term of probation. Once taken to the Juvenile Hall, the child will be finger printed, photographed, and the parents will be notified of the arrest. After the Juvenile Hall intake officer has had an opportunity to review the minor's record, if any, the circumstances of the crime, and discussed the situation with the parents, the intake officer has the discretion at that point to release the child to his parents for later appearance at the Probation Department or Court, or to continue his custody status in the Juvenile Hall.

REVIEW OF CASE BY PROBATION AND DISTRICT ATTORNEY

Whether a case against a minor starts with a citation or an actual arrest, the report prepared by the police in connection with the crime comes first to the Probation Department for review. The probation officer responsible for the intake of cases must make an initial determination of where the case will go next. If the charge is relatively minor, such as shoplifting or simple fighting, the probation officer can require the child to participate in some form of low level supervision by the Probation Department. Alternatives at this point may include a brief counseling session and closure of the file; informal probation without court action; or Diversion.

1. Informal Probation/Diversion: Under this approach the minor is required to observe good behavior for a period of six months, make restitution to the victim for any damages and, if deemed necessary, participate in a counseling program, community service or work program.

JUVENILE COURT

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

1. Detention Hearings: If a minor has been arrested and the police and Probation Department have determined that it would not be proper to release the minor to his parents, the law requires that within 48 hours of the minor's arrest (excluding weekends and holidays), the minor must be brought to Juvenile Court for a detention hearing for the judge to determine whether the child should be continued in custody or may be released to his parents.

The minor will be transported to the court hearing from the Juvenile Hall. Also appearing at the hearing will be the parents of the minor, the District Attorney, and a probation officer. The detention hearing starts with the judge advising the minor of his rights. A minor has the right to an attorney, and if he cannot afford his own attorney, one will be provided at no cost; the right to a trial to determine if he committed the crime charged, the right to see all witnesses called to testify against him at trial, the right to bring to the trial any witnesses or evidence that the minor thinks will help his case, and the right to remain silent. The three main steps in the Juvenile Court process are outlined for the minor and his family. The judge also is required to advise the minor of the specific charges filed against him.

In most cases the minor and his family are unable to hire a private attorney. In such circumstances the court appoints a Public Defender or some other attorney to represent the minor. The minor will receive immediate representation at the detention hearing. If the parents of the child feel that a separate attorney is needed to represent their interests in the action, the court is required to appoint a separate attorney for the parents at court expense if the parents cannot afford to hire their own attorney.

The next part of the hearing relates to the detention status of the minor. The probation officer will give a brief history of the minor regarding any prior record with the department and information regarding the family situation. The probation officer then will make a recommendation to the court regarding what should happen to the minor. The District Attorney will give a brief statement of the circumstances of the crime, based on a review of the police reports. The minor, through his attorney, and the parents will be given an opportunity to comment on what should happen to the minor's custody status. After hearing all points of view, the judge must then decide if the circumstances warrant continued detention or if the minor can be returned home.

Circumstances that frequently will result in continued detention are a history of runaway or beyond control behavior by the minor, repeat offenses, or the minor presents a risk of injury to other persons or their property. If, however, the court determines that the minor appropriately could be returned to his family, the minor may be released on "home supervision."

"Home supervision" is a program where a minor is allowed to return home during the court process, but under close supervision by the Probation Department. A set of rules is outlined by the judge governing the conduct of the minor and his family as the case proceeds through court. These rules may include such conditions as a curfew, drug or alcohol testing, search and seizure, counseling, school attendance and performance requirements, and that the minor must obey the directions of his parents. Any violation of these rules usually will result in the minor being returned to the Juvenile Hall.

2. Jurisdiction Hearings: The jurisdiction hearings have two phases: an initial arraignment and the trial.

If a minor has not previously been detained, but the District Attorney has determined to proceed with the prosecution, the minor will be mailed a notice of hearing setting the matter for the first appearance in Juvenile Court. At the arraignment hearing, the court advises the minor of his rights and charges pending against him, and appoints an attorney, in the same manner as the first part of the detention hearing discussed above. In the vast majority of cases, all of the parties agree as to a particular charge the minor is to admit. It is important to understand, however, that neither the court nor the minor's parents or attorney can force the minor to admit a crime that he did not commit. Although the minor's attorney may recommend a certain course of action to the minor, the final decision to admit any crime must come from the minor himself. If the minor admits an offense, the case is set for the disposition hearing. If the minor chooses not to admit any violation, the case is set for trial.

The trial in Juvenile Court is conducted in very much the same manner as adult trials, with a few important exceptions. First, the trial in a juvenile case is conducted by the

court without a jury. The judge alone determines whether the minor has or has not committed the crime. As with adults, the minor is presumed innocent until the contrary is proved. Proof of guilt must be beyond a reasonable doubt and to a moral certainty.

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

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

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

B. Six months probation without wardship.

C. Wardship with the minor placed on probation in his home: The majority of cases result in the minor being declared a ward of the court, but returned to the home on terms of probation. The court determines that the offense requires a higher level of intervention than offered by informal probation, but the best interests of the minor dictate that he remain in the home. The terms of probation will be tailored to meet the needs of the minor and his family and to hold him accountable for his violation. Standard conditions of probation will include therapeutic measures such as counseling for psychological problems, substance abuse, and family problems. Other measures frequently used are school attendance requirements, a curfew, non-association with people deemed inappropriate by the Probation Department or parent, and restrictions on gang related activity. If damages have been caused

by the victim, restitution will be required. The court also imposes a number of directly punitive measures such as fines, work project hours, community service hours, or juvenile hall time.

D. Wardship with the minor placed out of the home: In certain instances the court determines that the minor has problems that cannot effectively be treated while the minor is in the home. If the minor has severe psychological problems or an extensive history of substance abuse, a group home specializing in these problems may be selected. Placement in these programs can be for a few months or in excess of a year, depending on the progress of the minor in the program.

E. California Youth Authority: If all of the previous efforts fail, the final placement option available to the court is the California Youth Authority (CYA). The Youth Authority has a number of institutions and camps located throughout the state. These facilities are designed to handle the most serious of the offenders. Each has various treatment, education and vocational programs. Commitment to the CYA can be for a few months or up to several years, up to the maximum time that could be imposed on an adult for a similar crime.

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

5. Certification to Adult Court: Under certain circumstances the law allows the District Attorney to request the Juvenile Court to transfer (or certify) a case to the regular adult criminal justice system, even though the crime was committed by a minor. (W&I 707) The decision to transfer a case will depend on such factors as the age of the minor, the nature of the crime committed and the degree to which the minor is suitable for handling by the juvenile justice system. The law takes the position that the Juvenile Court should not be available to those minors who commit dangerous and violent crimes or who appear to be too criminally sophisticated for handling by the relatively informal juvenile system.

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

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

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

If a minor is certified as an adult, the case is transferred to the regular adult criminal system. All the proceedings are open to the public. The trial is by jury instead of by the judge without a jury. If convicted, the minor may be sent to jail or prison along with other adult offenders.

6. Proposition 21: With the passage of Proposition 21, which became effective March 8, 2000 at 12:01 a.m., prosecutors will be allowed to directly file charges against juvenile offenders in adult court under a variety of circumstances. The proposition requires mandatory adult court jurisdiction over juveniles age 14 or older alleged to have committed capital murder or serious sex crimes. Proposition 21 also increases the number of offenses for which minors can be tried as adults.

JUVENILE TRAFFIC COURT

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

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

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

SEALING OF JUVENILE RECORDS

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

The Probation Department may assist persons in making the application to the Juvenile Court. If the petition is granted, the minor truthfully may say on most employment applications that he has never been convicted of any offense. This procedure has been designed to allow the person who has made a mistake as a minor, but who has straightened up his life, to avoid having the problem tail him into his adult life.

BEYOND CONTROL CHILD (Section 601 Cases)

Minors who are not committing crimes and who are not the victims of abuse or neglect, but who are beyond the control of their parents or are habitually truant come within the provisions of section 601 of the W&I.

BEYOND CONTROL CHILDREN

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

HABITUALLY TRUANT CHILDREN

Minors who are habitually truant also can be declared wards under Section 601. Extensive intervention by the school authorities, including the School Attendance Review Board (S.A.R.B.) will have been exhausted before the matter is referred to the Probation Department for further action. If informal services prove ineffective, the probation officer can file a petition requesting Juvenile Court involvement.

If it is determined that the parents are causing or contributing to the truancy of the minor, the law provides that a criminal action can be filed against the parents and heard in the Juvenile Court along with the child's case. Parents of younger children can be issued citations for Education code violations and pay fines of up to \$500.

Children who are declared habitually truant by the school system and who are made wards under Section 601 may have their driving privileges suspended by the Juvenile Court for up to one year. If the child does not yet have a license, the court can delay the ability to obtain a license for up to one year.

HOW THE SYSTEM WORKS: CHILDREN AS VICTIMS (Section 300 Cases)

Children who become the W&I victims of abuse or neglect come within the provisions of Section 300 of the Juvenile Court Law and are under the supervision of the HRA/DSS. As with cases involving children who commit crimes, the law requires that the juvenile system use the least intrusive means of dealing with situations of abuse or neglect.

Every effort must be made to keep the family intact before the child is removed from the custody of the parents.

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

Whether the referral comes from within or outside the family, the HRA/DSS is required to investigate the circumstances of the suspected abuse or neglect in order to determine the most appropriate level of intervention. Many cases are closed at intake after the initial investigation. This will occur when the personnel determine that the complaint is unfounded or the family is taking adequate steps to remedy the reported problem. If the complaint is well founded, the HRA/DSS will initiate one of the levels of intervention discussed below.

FAMILY MAINTENANCE AGREEMENTS

The first level of active intervention is through a “family maintenance agreement.” Such an agreement is used when the department determines that the child may safely remain in the custody of the parents, but the family needs a low level of intervention to help solve the problems that led to the referral. The agreement is in the form of a written contract between the parents and the HRA/DSS where the parents agree to do certain things, such as obtain counseling. The HRA/DSS agrees to provide certain services, such as respite care or other support services.

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

JUVENILE COURT PROCEEDINGS

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

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

If a child is detained, the law requires that a petition be filed with the Juvenile Court within 48 hours (excluding weekends and holidays) and a detention hearing be set

within 24 hours after the petition is filed. The main purpose of the detention hearing is to determine where the child should live on a temporary basis while the case goes through court. Appearing at the hearing will be the HRA/DSS, an attorney representing the HRA/DSS, the child, and the parents. The parents are advised of their right to an attorney, including a court appointed attorney at no cost, the right to a trial, the right to see any witnesses called at the trial and to offer any witnesses or evidence the parents feel might help the parents' case, the right to say nothing, and the right to require the department to prove the petition true. An attorney is usually appointed for the parents and child. The court also reviews the petition with the parents so that the parents understand what is being said against them. The judge also explains the various steps in the court process.

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

2. Jurisdiction hearings: The jurisdiction hearings have two potential phases: an initial arraignment and a trial.

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

If the child has been detained, the jurisdiction hearing will be set for admission by the parents or a contested hearing. It is important to emphasize that the parent cannot be forced to admit a petition to be true. If the petition is not admitted, the case is set for trial.

The trial in a dependency case is done by the court sitting without a jury. Unless the parents choose otherwise, the proceedings are never open for public viewing. The HRA/DSS has the obligation to submit evidence sufficient to establish the truth of the charges in the petition. The parents have an opportunity to present any evidence or witnesses which they feel helps their case. If the HRA/DSS presents insufficient evidence to support the petition, the case ends at that point. If the petition is found to be true, the case is set for a disposition hearing.

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

A. Family maintenance: The court has the discretion to send the matter back to the HRA/DSS for informal handling through a family maintenance agreement discussed above.

B. Dependency/Living: In most cases the court establishes some form of formal dependency with the child in the home of the parent, with a relative, or in a foster home.

If the child remains in the home, the court will order that the parents participate in various services to help solve the family crises such as counseling and parenting classes. If the child is placed with a relative or in a foster home, the court is required to develop a reunification plan which is designed to provide services to bring the family back together. If a child has severe emotional or substance abuse problems, the child may be placed in a group home specializing in the treatment of these problems. If a child is placed out of the home, the case must be reviewed every six months to determine if everything possible is being done to return the child to the parents. In most cases, the parents are given twelve months to reunify with the child. If they do not participate regularly in reunification services, the court may terminate the case plan after twelve months and set a hearing to determine a permanent plan for the child. The parents may have an additional six months of services, up to a maximum of eighteen months, if it is likely that the child can be returned to them and safely maintained in their home within that additional six month period.

At this point, the court has three options but its main goal is to establish permanence and stability for the child. The preferred permanent plan is termination of parental rights and placement of the child in an adoptive home. If the child is not adoptable or there are other circumstances which exist which make adoption an inappropriate choice for the child, guardianship with a foster parent or relative is the court's second choice. If neither adoption nor guardianship is appropriate, the minor may remain in long term foster care until he or she graduates from high school.

FAMILY LAW

EMANCIPATION

WHEN AM I FREE FROM MY PARENTS' CONTROL?

When you reach the age of 18, or marry before the age of 18, or enter the military, you become free from your parents' custody and control. You are also treated as an adult and assume the responsibilities of an adult. Generally, you will have all the rights and privileges of adulthood, except selling, buying or drinking of alcoholic beverages (FC 7002, 7050). You must attend school until the age of 18, have graduated, received a GED or have passed the high school proficiency test. (EC 48200) You may also become free from parents' control if an action is brought for the purpose of having you declared free from the custody of either or both parents and the court determines that:

1. Your parents have abandoned you for a period of six months or more.
2. Your parents have been shown to be under a disability due to alcohol or drugs, or mental illness.
3. Your parents have been convicted of a felony and also have been shown to be unfit as a parent.
4. You have been cared for in a foster home for one year (FC 7820-7827).

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

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

1. You are at least 14 years of age.
2. You are willingly living apart from your parents or guardian with their consentor agreement.
3. You have a legal source of income (FC 7120).
4. You are managing your own financial affairs.

To apply for an emancipation hearing, you can consult with a lawyer, or act as your own lawyer.

MARRIAGE

WHEN CAN I GET MARRIED?

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

1. You have the consent (approval) of one or both of your parents in writing.
2. The Superior Court of the county in which the marriage license is to be obtained issues an order granting permission.
3. As a condition of granting the order the court will require that you have met with a marriage counselor or minister.

CURFEW

WHAT IS CURFEW?

Curfew is a time after which a minor cannot be out on the streets without lawful business (to and from work, school, etc.). Most curfews are after 10:00 p.m. and before daylight or 6:00 a.m. Check with your local law enforcement agency for the specific curfew times that may apply to you. There are different curfew times for different areas of the county.

GLENN COUNTY CURFEW

The following words and phrases, when used in this chapter, have the meanings or usage indicated below:

- A. "Curfew hours" mean the hours from 10:00 p.m. to 6:00 a.m. of the following day.
- B. "Emergency" means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life, such as a fire, natural disaster, or automobile accident, or any similar situation requiring such immediate action.
- C. "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or recreation.
- D. "Guardian" means:
 1. A person who, under court order, is the guardian of the person of a minor; or
 2. A public or private agency with whom a minor has been placed by a court;or

3. A person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

- E. "Loiter" means to stand idly about or linger aimlessly.
- F. "Minor" means any person under 18 years of age.
- G. "Parent" means a person who is a natural parent, adoptive parent, or stepparent of a minor.
- H. "Public place" means:
 - 1. Any out-or-door area to which the public or a substantial group has access, including, but not limited to, streets, highways, sidewalks, alleys, parks, playgrounds, or other public grounds; and
 - 2. The common areas of establishments, including, but not limited to, entry ways lobbies, reception areas, waiting areas, and parking lots.
- I. "Remain" means to:
 - 1. Linger or stay; or
 - 2. Fail to leave a public place when requested to do so by an enforcing officer or the person in control of the public place.
- J. "Serious bodily injury" means that bodily injury defined in Penal Code 243(f)(S) or any successor statute.

(Ord. 1060 § 49, 1995.)

10.36.020 Prohibition

It is unlawful for any minor to loiter or remain in any public place within the county during curfew hours except as provided in Section 10.36.030.

(Ord. 1060 § 49, 1995.)

10.36.030 Exemptions.

A minor does not violate this chapter if, at the time the minor was stopped by an enforcing officer, the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. On an errand at the direction of the minor's parent or guardian, without detour or stop;
- C. In a motor vehicle involved in interstate travel;
- D. Engaged in a lawful employment activity, or going to or returning home from a lawful employment activity, without detour or stop;
- E. Acting in response to an emergency;
- F. On the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence;
- G. Returning directly home, without detour or stop, from (1) a school, cultural, sports, amusement, entertainment, or recreation activity, or (2) any organized rally, demonstration, meeting or similar activity protected by the First Amendment to the United States Constitution;
- H. Waiting at a bus stop for transportation; and
- I. Emancipated in accordance with the California Family Code or other applicable State law.

(Ord. 1060 § 49, 1995.)

10.36.040 Enforcement procedure.

- A. Before taking any enforcement action, an enforcing officer shall ask the apparent offender's age and reason for being in the public place.

- B. The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that no exemption under Section 10.36.030 applies.

Ord. 1060 §49,1995.)

10.36.050 Parent responsibility

Every minor who violates any provision of this chapter and every parent, guardian, or other person having the legal care, custody, or control of any minor who solicits, induces or allows that minor to violate any provision of this chapter is guilty of an infraction. (Ord. 1060 § 49, 1995.)

CITY OF ORLAND CURFEW

Section 9.04.010 Curfew designated: Every person under the age of 18 years who loiters about the public streets, avenues, alleys, parks, or public places between the hour of 10:00 p.m. and the hour of 6:00 a.m. the following day, when not accompanied by parent or legal guardian, or spouse (spouse being twenty-one (21) years of age or over) of such person is guilty of a misdemeanor. (Ord.96-11 § 5100(a))

CITY OF WILLOWS CURFEW

Section 11-200. Definitions

In this section:

A. Curfew hours means:

1. For minors under the age of sixteen (16) years:
 - a. 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m. of the following day; and
 - b. 11:00 p.m. Friday and Saturday until 6:00 a.m. on any Saturday and Sunday.
2. For minors between the ages of sixteen (16) and eighteen (18):
 - a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
 - b. 12:30 a.m. until 6:00 a.m. on any Saturday or Sunday.

(Ord. 650-96, 6-11-96)

PARENTS' RIGHTS AND DUTIES

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

Generally, your parents maintain custody and control over you until your 18th birthday. There are exceptions such as your marriage, court ordered emancipation, or removal from your parents' custody (i.e., adoption, foster care, group home, etc.) Your parents must shelter, discipline, feed, and protect you. They cannot abuse or abandon you. Your parents may be liable for your actions which cause injury or damage to another person or property. (See discussion under Tort Liability for further information.)

CAN MY PARENTS SPANK ME?

Yes. Custody includes the right to discipline you, which can include spanking. They may be strict with you, as long as they do not endanger your health and welfare or injure you when punishing you. (FC 7507; PC 273a,d)

DO I HAVE TO LIVE WHERE MY PARENTS SAY?

Yes, you do. They have the legal right (FC 7501). If your parents are divorced the parent having custody has the right to determine where you live.

DO MY PARENTS HAVE A RIGHT TO MONEY I EARN?

Yes. Since they take care of you, they are entitled to the services and earnings of their minor children to use for household expenses or your care. However, parents may give up their right to your earnings if they want to or if you become married or emancipated (FC 7500, 7504, 7503).

WHAT IF SOMEONE LEAVES ME MONEY OR PROPERTY?

Your parents have no right to take that, unless a court orders them to use the money to help with your support or education. A guardian must be appointed to receive and manage the property (FC 7502).

CAN MY PARENTS TAKE BACK GIFTS GIVEN TO ME?

Yes. In some situations if they feel the gift would pose some danger to you or if they are temporarily restricting your use of the gift as discipline. You continue to maintain ownership, but your parents can maintain possession until you are 18 (FL 7500).

CAN MY PARENTS OPEN MAIL ADDRESSED TO ME?

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

ARE THERE CIRCUMSTANCES WHERE I CAN MAKE DECISIONS WITHOUT MY PARENT'S CONSENT?

Parents who have custody of their child have the right to make many important decisions about their child's life and life plans. Yet in California there exist a number of circumstances in which youngsters have the authority to make certain decisions without parental involvement. This has been done in order to protect the privacy rights of young people and often involves medical or quasi-medical decisions.

Some of these situations include:

1. When a child is 12 years old or older and seeks medical treatment related to an infectious, contagious, or sexually transmitted disease.
2. When a child is 12 years old or older and seeks medical treatment for rape.
3. When a child is 12 years old or older and seeks medical treatment related to a drug or alcohol problem.
4. When the child has been found to be of sufficient maturity and is seeking medical care related to the care and prevention of pregnancy (this includes birth control information and devices and/or an abortion or any other care, short of sterilization).

CRIMES

WHAT IS A CRIME?

A crime is doing something that the law says you are not to do, or not doing something the law says you have to do. (PC 15) It should be noted that a “crime” is committed against society as a whole and not just against its direct victim. “Crimes” are prosecuted by the District Attorney on behalf of “The People of the State of California.”

ARE ALL CRIMES THE SAME?

No, there are three types of crimes:

1. **FELONIES** are the most serious crimes and can result in commitment to state prison for more than one year and up to life. Felonies also include crimes punishable by death.
2. **MISDEMEANORS** are less serious crimes which cannot result in confinement in a state prison, but result in commitment to the county jail for not more than one year. Most misdemeanors are punished by six months in the county jail.
3. **INFRACTIONS** are the least serious violations of the law and do not result in jail time. An example of an infraction is a traffic ticket, for which you can be required to pay a fine. Some infractions may result in the suspension or restriction of one's license, and for juveniles, the imposition of certain terms of probation, such as drug testing.

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

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

JUVENILES AND THE "THREE STRIKES" LAW

The Three Strikes law is a new system for punishing repeat offenders. The law requires that persons with certain prior convictions be sent to prison for **twice** the normal punishment (one prior “strike”) or **25 years to life** (two or more prior “strikes”). Only adults may be punished under this tough law. It is important to understand, however, that certain juvenile offenses will qualify as prior “strikes.” If a person has two or more prior juvenile strikes, then commits any felony as an adult, the person may be sent to prison for 25 years to life!

GUNS AND OTHER WEAPONS

WHAT IS A DANGEROUS WEAPON?

A “dangerous weapon” is one that is dangerous to life and by its use will probably inflict a fatal wound. (Black's Law Dictionary)

The law says that:

1. Penal Code Section 12551 prohibits the sale of any BB gun to a minor. This offense is a six month misdemeanor.
2. Penal Code Section 12552 prohibits persons from furnishing any BB gun/device to any minor without the express or implied permission of the parent or legal guardian of the minor. This offense is a six month misdemeanor.
3. Penal Code Section 12101 states:
 - A. A minor may not possess a pistol, revolver, or other firearm capable of being concealed upon the person unless he or she has the written consent of his or her parent or legal guardian or unless he or she is accompanied by his or her legal guardian, while he or she has such a firearm in his or her possession.
 - B. A minor may not possess live ammunition unless he or she has the written consent of his or her parent or legal guardian, except while going to or from an organized lawful recreational or competitive shooting or lawful hunting activity.

Every minor who violates this offense for the first time can be taken into custody for six months, second offense, one year.

4. Penal Code Section 12025 prohibits the carrying of firearms on your person, as well as concealed within any vehicle which is under his or her control or direction. Punishment for this offense may be a fine up to \$1,000 and a confinement for up to one year. Some adults may go to prison for three years for conviction of this crime.
5. Penal Code Section 12031 prohibits the carrying of a loaded firearm on his or her person or in a vehicle while in public. Punishment for this offense is imprisonment for one year and/or fine of \$1,000.
6. You can **not** have blackjacks, sling shots, billies, nunchakus, sandclubs, sandbags, metal knuckles, certain knives (dirks or daggers) (PC 12020(a)), or folding knives with the blade locked open (PC12020(c)(24)). These can be taken away and destroyed by the police. (PC 10208)
7. You can **not** make a blackjack or metal knuckles or carry any explosives, sawed off shotguns, or multi-burst firearms. (PC 12020)
8. You can **not** carry, sell, lend, or give away a switchblade knife or similar type knife, if the blade is over two inches long. (PC 653K)
9. It is against the law to bring or possess any firearm, dirk, dagger, knife having a blade longer than 3½ inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, or stun gun onto the grounds or within any school. (PC 626.10)

10. If you use a gun in the commission of a crime, you will be punished for the particular crime and receive extra punishment for the gun. The punishment for use of a gun under these circumstances varies with the seriousness of the crime and how the gun was used. Use of a gun under certain circumstances will result in a life sentence. (PC 12022; 12022.53)

There are many other laws related to weapons too numerous to include in this booklet. If interested, please refer to the California Penal Code.

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

It is a felony to bring a stun gun, a BB gun, a pellet gun, and a paintball gun onto school grounds. It is also against the law to carry a firearm within 1,000 feet of school grounds. (PC 626.10)

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

It is against the law to threaten anyone with a deadly weapon. (PC 245, 417) If you commit certain serious crimes including murder, attempted murder, armed robbery, rape with force, assault with a firearm, and discharge of a firearm into an occupied building, you will be restricted from owning or having in your possession any firearm until you are 30 years of age. (PC 12021(e))

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

You cannot shoot any firearm from or upon a public road or highway in any city. It is also against the law to shoot a firearm at any house, vehicle, building, or aircraft. Most cities prohibit shooting any firearm within city limits. (PC 245,247,374(C))

BASIC CRIMES

We should always respect the persons and property of others, as well as the lawful authority of schools, law enforcement, and our parents.

There are many laws that apply to us and can bring you before the court, some of which are:

1. Assault - The threat of harm. (PC 240)
2. Battery - Unlawful touching of another. (PC 242)
3. Theft - Taking of property with or without force. (PC 484-487)
4. Burglary - Unlawful entry of cars, homes, or businesses with the intent to commit a felony or theft. (PC 459)
5. Being drunk in public or creating a disturbance in public by loud noise or fighting. (PC 647f and 415)
6. Receiving stolen property, knowing that it was stolen, or you should have known it was stolen. (PC 496)
7. Setting fires. (PC 450)
8. Destroying property - If the vandalism is caused by use of liquid, such as paint, you will lose your driver's license for up to one year. (PC 594, VC 13202.6)

9. Tampering with licenses or I.D.'s on cars, bicycles, and property. (PC 537e & g)
10. Taking a vehicle temporarily or otherwise interfering with the rights of the owner. (PC 499b)
11. Unlawful driving or taking of a vehicle. (VC 10851)
12. Littering or throwing objects at vehicles. (PC 374, VC 23112, 23110)
13. Trespassing on school or private property. (PC 601, 626)
14. Most sex acts by males, some acts by females, as well as the touching of the private parts of another person without their consent.

WHAT CONSEQUENCES MAY I SUFFER IF I COMMIT VANDALISM?

Vandalism is the malicious destruction of another person's property. The damage can be caused by any means; breaking items, scratching surfaces, spray painting are all forms of vandalism. The potential punishment for vandalism will depend on the amount of damage caused and, in some cases, how the damage is caused. (PC 594)

If the damage is less than \$400, it is punishable by up to one year in custody and a fine of \$1,000. If the damage is \$400 or more, the maximum punishment is up to three years in custody and a fine of \$10,000. If the damage is over \$10,000, the punishment is up to three years in custody and a fine of up to \$50,000. In addition to any fine imposed, the person causing the damage is required to pay for the repair of any of the damages caused to the victim's property.

If the vandalism is to a church or other religious institution, the potential punishment is up to three years in custody regardless of the amount of damage caused. (PC 594.3)

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

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

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

IS FIGHTING A CRIME?

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

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

2. Simple battery, punishable up to six months in custody (up to one year if committed on school property) and a \$2,000 fine. (PC 240, 242)
3. Assault with a deadly weapon or force likely to produce great bodily injury, punishable up to two, three, or four years in custody. (PC 245)
4. If great bodily injury actually is inflicted, up to five, six, or seven years in custody (PC 12022.7)
5. If a weapon is used, such as a knife or club, a year is added to the punishment. (PC 12022)

WHAT IF I START A FIRE?

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

Unauthorized discharge or possession of fireworks in forest land may result in a fine of up to \$1,000 and six months in custody. (H&S 12505, 12677) Each city may have different rules regulating the use of fireworks.

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

WHAT SEX ACTS ARE CRIMES?

Unlawful Sexual Intercourse (PC 261.5): Sexual intercourse between two consenting people, when one or both are under the age of 18. If there is three years or less between the ages of the participants, the offense is a misdemeanor, punishable by up to one year in the county jail. If the age difference is greater than three years, the perpetrator can be charged with either a misdemeanor or a felony, and can be imprisoned for up to three years. If one person is 21 or older, and the other person is under 16, it can be a felony for the person over 21, punishable by up to four years in state prison.

Spousal Rape (PC 262): Nonconsensual intercourse between spouses when the victim is unconscious, intoxicated, or forced against his or her will to engage in sex, and reports the crime to a specified person within one year. It is a felony, punishable by up to eight years in state prison.

Rape (PC 261): Nonconsensual intercourse between people who are not spouses, when the victim is unconscious, intoxicated, or forced against his or her will to engage in sex, or incapable of consent because of a mental or physical disability. It is a felony, punishable by up to eight years in state prison.

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

Sodomy (PC 286) : Any penetration between the penis of one person and the anus of another person. It is prohibited in the following circumstances: (1) When the victim is under 18. Then, it can be either a misdemeanor or a felony, punishable by up to three years in prison. (2) When the perpetrator is over 21 and the victim is under 16. In that case, it is a felony, punishable by up to three years in state prison. (3) When the perpetrator uses force, or threatens to use force, or is ten years older than a victim under 14 it is a felony, punishable by up to eight years in state prison.

Child Molestation (PC 288): Any person who commits a lewd act upon the body of a child under the age of fourteen is guilty of a felony and can be punished by up to eight years in state prison. If the victim is fourteen or fifteen years old, and the perpetrator is ten years or more older than the victim, the perpetrator may be punished by up to three years in state prison.

Annoying or Molesting Children (PC 647.6): Every person who annoys or molests a child under the age of 18 is guilty of a misdemeanor, and can be punished by up to one year in the county jail. Unlike PC288, this offense does not require that the perpetrator touch the victim. Two cases illustrate that type of conduct prohibited by this law. In the first, the defendants, were driving an automobile, picked up four girls who wanted a ride to a restaurant, and promised to give them a ride. The men did not take the girls to the restaurant as requested. The girls demanded to get out. The defendants refused. One girl attempted to get out of the car. One defendant placed his hand on the door lock and said the girls wouldn't get away so easily. The defendants were convicted. In the second case, a twelve year old girl was riding her bike to school when the defendant started to follow her. He repeatedly drove past her, stared at her, and made hand and facial gestures in her direction. The defendant was convicted.

Oral Copulation (PC 288a): Any contact between the mouth of one person and the anus or sexual organ of another who is under 18. It can either be a misdemeanor or a felony. If the perpetrator is over 21 and the victim is under 16, it is a felony. If the perpetrator uses force, or threatens to use force; or is more than ten years older than a victim under 14, he or she can be imprisoned for up to eight years in state prison.

Penetration with a foreign object (PC289): Any penetration of the genital or anal openings by a foreign object (including a finger), when it is against the victim's will is a felony. It can be punished by up to eight years in a state prison.

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

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

Sexual Exploitation of a Child (PC 311.3): Depicting by film, photograph, or videotape sexual conduct of person under 14 is a misdemeanor, punishable by up to one year in county jail and a fine of \$2,000.00.

Possession of Child Pornography (PC 311.11): Possessing photographs, undeveloped film, videotape, negatives, slides, or photocopies which depict a child under the age of 14 engaging in sexual conduct. It is a misdemeanor, punishable by up to a year in jail and a \$2,500 fine. Possessing drawings, figurines, or statues is not a crime under this section.

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

SPECIAL PUNISHMENTS FOR SEX OFFENSES

1. **AIDS Testing (PC 1202.1):** Every person who is convicted of rape (261), statutory rape (261.5), spousal rape (262), oral copulation (288a) must be tested for AIDS.
2. **Operation to Prevent Procreation (PC 645):** Whenever a person is found guilty of molesting a female under the age of 10, the court may “direct an operation to be performed upon such person for the prevention of procreation.”
3. **Registration of Sex Offenders (PC 290):** Every person who is convicted of rape, child molestation, oral copulation, penetration with a foreign object, or indecent exposure must register with local law enforcement as a sex offender. The person must give a written statement (including his or her address), fingerprints, and photograph to be kept on record by law enforcement. Failure to do so is a misdemeanor.

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

If you help another minor to commit a crime, you may also have to go to court. (PC 272) You could also have to go to court if you are with another minor who commits a crime, and you do not try to stop it. (PC 31, 32, 272, 659)

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

It is a crime to make a false police report or give false information to an officer or turn in a false fire alarm, or false bomb threat.

If questioned as a witness by the police, or in court, you must tell the truth; to lie would be a crime. (PC 118, 148.5; VC 31, PC148.9)

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

You are still guilty of a crime, because not knowing a law is no excuse. Otherwise, any person committing a crime might say he didn't know about a law. No one would be safe if that were allowed. Just ask yourself if what you are doing will harm or injure a person or property not your own. If it will, it's wrong and probably is a crime.

WHEN THE POLICE TALK TO YOU

Most encounters with police are positive. Nevertheless, there are some rights and responsibilities that minors should know about in case they are ever approached, questioned, or arrested by the police.

They are:

1. **Never struggle with police.** Resisting arrest or assaulting a police officer are separate and additional crimes which could be charged. These charges may be brought even when the child is completely innocent of any underlying crime. Resisting arrest or fighting with police officers is also dangerous.
2. **“Respectfully decline” to give permission to search.** Children enjoy the same protections as adults against unreasonable searches and seizures under the Fourth Amendment to the U.S. Constitution. While there are certain exceptions, generally police only have the right to conduct a full-scale search of a person (including a minor) who is under arrest. However, there are other exceptions. For example, even if a person is not under arrest, the officer is permitted to do a very limited pat-down body search but only to see if the person is carrying a weapon.
3. **Remain silent.** If questioned upon arrest, young people have the right to give only their name, address, parents’ names and phone numbers to police. They have the right to refuse to answer any other questions until they have spoken to their parents and an attorney.
4. **Call your parents.** When taken to a police station or juvenile hall, minors have the right to place two telephone calls to parents or a responsible friend within one hour. Officers are required to tell anyone who has been arrested what charges they are facing, if they ask. Therefore, a minor in custody should ask for this information so they can tell their parent where they are and why. Probation officers usually call parents on behalf of the minor who has been arrested.

GANGS AND GANG MEMBERSHIP

WHAT IS A GANG?

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

WHY DO KIDS JOIN GANGS?

Certainly there are many reasons why kids say they join gangs, but among those mentioned most often by kids and experts in the field are:

1. To be a member of something larger than themselves or to be part of a team.
2. For protection, either from other gangs, school acquaintances, or adult figures of one type or another.
3. To become a leader with power, respect, and the backing of an organized group.
4. To enhance their self-esteem.
5. To make money (though illegally) and acquire material goods which bring status and power.
6. For the thrill of it, to be “bad” or “cool.”
7. To acquire a reputation, to be significant.
8. To rebel.

IS IT ILLEGAL TO BE A GANG MEMBER?

Being identified as a member of a gang may subject a person to a higher level of prosecution for any crimes or violent acts related to gang activity. (PC 13826.2/.3)

WHAT ARE THE WARNING SIGNS OF GANG INVOLVEMENT?

Certain signs indicate gang involvement on or near school campuses. Administrators and staff members should be aware of these warning signs and should be ready to employ the appropriate prevention and intervention strategies.

These warning signs include:

1. An “informal” dress code that is followed by a few students (hats, scarves, jewelry, shoelaces, colors, and insignias, etc.).
2. Hand signs passed back and forth among students.
3. Use of new nicknames.
4. Newly acquired and unexplained “wealth” often displayed, worn, or shared with peers.
5. Graffiti on school property, book covers, notebooks, and clothing. This graffiti may include numbers, names, expressed racism, or hatred of religious groups or sexual preferences.
6. An increase in violent occurrences on campus, including an increase in the number of referrals for assault and battery, weapons on campus, sale or possession of drugs.
7. Tattoos on student’s hands or arms.

EXAMPLES OF GANG CLOTHING IN GLENN COUNTY

1. The color red (norteño), blue (sureño).
2. Khaki baggy pants.
3. Red or brown or blue bandana.
4. Red or blue military style belt with a silver buckle with an initial engraved in it.
5. Large buttoned up shirt, especially plaid in design.
6. Shoes with red or blue laces.

WHAT ARE THE CONSEQUENCES OF GANG AFFILIATION?

Gang memberships almost always guarantee the students will have a criminal record. Membership also carries with it a physical risk. Gangs often depend upon the youngest members to carry out the most serious offenses because juveniles are usually accorded more lenient treatment and lesser penalties by the courts. Currently, however, courts are levying additional penalties for gang-related crimes.

The ultimate consequence to gang membership is death.

TIPS FOR PARENTS TO ADDRESS GANG BEHAVIOR

1. Develop consistent and fair family rules.
2. Develop clear guidelines and limits for your children’s behavior and activities.
3. Respect your children’s feelings and attitudes.
4. Help your children develop a strong sense of self-esteem.
5. Help your children develop good study habits.
6. Develop an open line of communication with your children.
7. Seek advice or counseling if problems arise.
8. Know your children’s friends and their parents.
9. Meet with your children’s school staff regularly.

CAN STUDENTS WEAR GANG RELATED ARTICLES OF CLOTHING TO SCHOOL?

Local school boards may adopt policies restricting dress that negatively impacts health or safety. Clothing that may cause violence may be prohibited by the school board policy.

PARTIES

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

Fighting, loud music, rowdiness, use of alcohol and drugs, keeping the party going too late --all of these come under disturbing the peace, or laws against the use of alcohol and drugs. (PC 415, 416) You and your parents can be prosecuted for contributing to the delinquency of other minors if you allow them to drink or use drugs at your party. (PC 272)

WHAT IF SOMEONE CRASHES MY PARTY?

Crashing a party is trespassing and is illegal. If necessary, you can call the police to remove uninvited guests. (PC 602.5)

SEXUAL HARASSMENT

THE FACTS ABOUT SEXUAL HARASSMENT

The Fair Employment and Housing Act (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Actual or threatened retaliation
4. Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
5. Making or using derogatory comments, epithets, slurs, or jokes
6. Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes or invitations
7. Physical touching or assault, as well as impeding or blocking movements

HOW DO I FILE A SEXUAL HARASSMENT COMPLAINT?

Employees or job applicant or students who believe that they have been sexually harassed may file a complaint of discrimination with their school district office or with the Department of Fair Employment & Housing (1-800-884-1684) within one year of the harassment.

SEX AND KIDS

WHAT DOES THE LAW SAY ABOUT SEX AND KIDS?

It is against the law in California for minors to have sex, or for anyone to have sex with a minor. This is true in spite of the fact that 60 percent of all teenagers in this state are sexually active. The only exception to this law is if a minor is married to his or her sexual partner.

WHAT IS STATUTORY RAPE?

Laws which make it unlawful to have sex with minors have been called statutory rape laws. These laws make the act of sexual intercourse illegal because it makes it legally impossible for a minor to consent to intercourse, and therefore, the act is considered rape. So, even if the minors are in love and enter into the sexual relationship freely, legally, the act is still rape.

In California, statutory rape is called “unlawful sexual intercourse,” and, as of 1993, it became an act which protects young males as well as females. More specifically, the law reads that unlawful sexual intercourse “is an act of sexual intercourse with a person who is not the spouse of the perpetrator, if the person is a minor...” A minor is a person under the age of 18.

A person who engages in unlawful sexual intercourse with a minor and is not more than three years older than the minor is guilty of a misdemeanor. If, however, the perpetrator is more than three years older than the minor, he may be found guilty of a felony/misdemeanor punishable by imprisonment in county jail or state prison for not more than one year. Also, a person who is over 21 years of age and engages in sex with someone under the age of 16 can be put in state prison for two to four years.

WHAT SHOULD YOU KNOW ABOUT RAPE?

If a young person has been raped, it should be reported to the police. Immediate medical help and psychological assistance should be sought. Glenn County has victim assistance programs and a rape crisis hot line. These programs offer counseling, financial assistance, and other services to help victims of this crime overcome the trauma associated with being raped.

Young people who are 12 years of age or older have the right to acquire treatment related to rape or sexual assault without parental consent. This law covers medical doctors, psychiatrists, psychologists and mental health counselors, as well as those acting as chief administrators of programs that provide counseling to rape victims.

Police reports involving rapes are confidential and customarily are released only by police agencies to prosecuting and defense attorneys or by court order. This is true even when the rape victim is a minor and it is the minor’s parents who wish access to the rape report. The only exception to this rule is when the parent of the victim is accused of raping or sexually molesting the child.

ALCOHOL

WHAT IS AN ALCOHOLIC BEVERAGE?

Any drink that has at least 1/2 of 1 percent alcohol is an alcoholic beverage. That includes beer, wine or any other liquor.

WHEN CAN I BUY AND DRINK AN ALCOHOLIC BEVERAGE?

You must be 21 before you can buy or drink alcoholic beverages in a bar. (B&P 25658b)

WHAT IF SOMEONE SELLS OR GIVES ME AN ALCOHOLIC BEVERAGE?

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

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

If you appear to be under 21, you will be asked to prove your age and if you can't the dealer cannot sell to you. (B&P 25659)

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

You will be breaking the law in both cases. Any person who furnishes a false identification to you will also be committing a crime. You cannot lend, borrow, or alter a driver's license or other identification in any way. (B&P 25661, 25660.5; VC 14610)

WHAT OTHER LAWS ARE THERE ABOUT ALCOHOLIC BEVERAGES?

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

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

5. Drive a motor vehicle with .05 percent or more of alcohol in your system, if you are under the age of 18 years. You can be prosecuted in court and your driver's license may be suspended or delayed until you are 21.

It is also against the law for anyone to:

1. Have an open alcoholic container in a car, whether you are drinking or not, or to drink while you are driving, or to drive a car under the influence of alcoholic beverages. (VC 23226, 23152a)
2. Be drunk or under the influence of drugs in public or on a public highway. (PC 647f)
3. Drink, sell, or give liquor to any person or possess liquor on any public school or school grounds. (B&P 25608)
4. Permit a minor to loiter in a place where liquor is sold and which is not operated as a restaurant. (B&P 25665)
5. For each conviction of a controlled substance or alcohol-related offense, committed while the person was under 21 years, but 13 years of age or older, the court shall suspend the driving privilege for one year. If the minor does not yet have a license, the court shall order the Department of Motor Vehicles to delay the issuance of a license for one year. (VC 13202.5)

WHY IS ALCOHOL A DANGEROUS DRUG?

Alcohol is a depressant, the same drug class as a tranquilizer. It is the most popular drug among youth and adults in our country today. It is also one of the most deadly drugs because a leading cause of death among teens is alcohol-related traffic crashes.

Alcohol causes heart disease, high blood pressure, liver damage, brain damage, and other health problems.

When alcohol gets into the bloodstream, it acts like a depressant on the central nervous system affecting speech, vision, and coordination. Smaller doses may cause euphoria but intoxication occurs when higher doses are taken. Some people feel more outgoing while others feel depressed or aggressive. Physical responses include altered perception, impaired judgment, loss of coordination, slurred speech, blurred vision, dizziness, nausea, and vomiting. An overdose can cause unconsciousness and death.

Alcohol is addictive. Research suggests that alcoholism may be a genetic predisposition and that someone with an alcoholic parent runs many times the risk of becoming an alcoholic. About ten percent of the general population will develop alcoholism.

DRUGS AND NARCOTICS

WHAT ARE SOME DANGEROUS DRUGS?

1. **Marijuana.** Following alcohol, marijuana is the second most popular drug with youth. Commonly referred to as grass, pot, weed, Acapulco gold, and smoke. Marijuana is usually sold and stored in small plastic bags, foil, or small rolled cigarettes. It is usually smoked in hand-rolled cigarettes called joints and has a strong odor. It is often held by a small clip called a roach clip. The leaves can also be smoked in pipes or water-filled pipes called bongs.

Eye drops and breath fresheners are used to cover up signs of marijuana use. To hide the drug, some may use stash boxes or containers manufactured to look like soda cans.

In low doses, marijuana can induce restlessness, a dreamy state of relaxation, bloodshot eyes, and increased appetite. Stronger doses can cause shifting sensory images, fluctuating emotions, a loss of self-identity, fantasies, or hallucinations.

2. **Cocaine.** Cocaine is a stimulant and is a white chunky powder often called coke, blow, snow, nose candy, or cane. It is sold most often in aluminum foil, plastic packets, or small vials. Cocaine is usually chopped into a fine powder with a razor blade on a small mirror and arranged into small lines or rows then quickly inhaled through the nose with a short straw. It can also be injected into the bloodstream.

Paraphernalia associated with inhaling cocaine include mirrors, razor blades, straws, and rolled paper while paraphernalia associated with injecting cocaine include syringes, needles, spoons, and belts.

The high from a typical inhaled dose of cocaine lasts for about 20 minutes. During this time, users appear alert, confident, energetic, and stimulated. Physical signs include dilated eyes, a runny nose, and little or no appetite. The high is followed by depression, an intense desire for another dose, fatigue, restlessness, and irritability. An overdose can cause extreme agitation, heart failure, or death.

3. **Crack.** Crack and rock cocaine are forms of cocaine that are extremely addictive and very dangerous.

Crack is inexpensive, readily available, and highly addictive. Crack comes in white or tan pellets and is sold in small vials. It is smoked in glass pipes and makes a crackling sound when smoked.

Crack is absorbed into the blood stream through the lungs in just a few seconds. It causes temporary euphoria, alertness, and high energy. Other symptoms include dilated pupils, loss of appetite, elevated heart and respiratory rates, and higher body temperature. The high lasts only a few minutes leaving an intense depression or crash and an immediate desire for more crack. Prolonged use of crack causes extreme irritability, depression, paranoia, or death.

4. **Methamphetamines and Amphetamines.** Methamphetamines and amphetamines are highly addictive stimulants. Commonly referred to as meth, speed, or crank, meth is sold in powder, pill, and capsule forms that can be inhaled, injected, or swallowed. Like cocaine and crack, the physical effects of meth are increased alertness, euphoria, appetite loss, dilated pupils, and elevated body temperature.

Prolonged use can cause blurred vision, dizziness, loss of coordination, and collapse. An overdose can result in death.

Meth can also be smoked as crystal meth. In appearance, meth is powdery and can be found in any color. Paraphernalia include razor blades, mirrors, straws, and rolled dollar bills. If injected, paraphernalia include syringes, spoons, surgical tubing, and bandanas or belts.

Crystallized meth or ice looks like rock salt and is sold in clear, sealed packets. It is smoked in a pipe and inhaled by the user. Prolonged use may cause loss of coordination, dizziness, collapse, and psychosis. It will also damage organs particularly the lungs, liver, and kidneys. Some people become paranoid or schizophrenic.

5. **Ecstasy.** Club or Rave drugs have become increasingly popular. Ecstasy or X is a popular drug among teenagers. It leaves users with a sense of warmth and empathy for others while acting as a stimulant. A few days after use, people often experience depression. When under the influence usually dance for hours, sometimes the entire night.

One of the most dangerous side effects is a reduction in the body's ability to regulate body temperature. Users often fail to seek medical attention believing that drinking water is all they need to do to be safe. Most Ecstasy-related overdoses and deaths are associated with heatstroke symptoms. Also, users do not always get the substance they think they are getting (a problem with most drugs). It is common for other drugs such as meth, LSD, or DXM to be sold as Ecstasy. Prolonged use of Ecstasy can cause permanent brain damage.

6. **Heroin.** The most dangerous and addictive narcotic is heroin. Sometimes called black tar, smud, or smack, heroin is derived from opium poppies. In its powdery form, it may be white or brown. It also can be sold as a dark tar-like substance in foil or small balloons.

It is most commonly injected, called mainlining or shooting. Paraphernalia includes needles, cotton balls, spoons, and bottle caps. When inhaled, users have razor blades, straws, and pipes.

The high usually lasts four to six hours. During this time, users have constricted pupils, droopy eyelids, apathy, depression, decreased physical activity, and nausea. Frequent users appear sleepy and may repeatedly scratch or touch their nose. An overdose can cause shallow breathing, convulsions, coma, and death.

7. **LSD.** LSD is an extremely powerful hallucinogen that was once popular in the 1960s but is becoming popular once again. It is an odorless, colorless, manufactured drug. Street names include acid and white lightening and its high is called a trip.

Because LSD is so potent, the dosage needed for a trip is very small. A microscopic drop of LSD can be put on paper or any absorbent material and then ingested by the user. Its effect or high lasts from two to 12 hours. During this time, judgment is impaired, vision is distorted and hallucinations occur. Bad trips can result in panic, paranoia, anxiety, confusion, and psychosis. Another possible side effect of LSD is called a flashback. For several years after taking LSD, the hallucinations may reappear without warning.

8. **PCP.** Phencyclidine, or PCP, is the most dangerous of the hallucinogens. It is sold on the street under a variety of names such as angel dust, supergrass, killer weed, KJ, rocket fuel, and sherms.

In its pure form, it is a white powder that dissolves in water. Most PCP is made in home laboratories that cause the drug's color to range from tan to brown and the consistency from powder to a gummy mass. It is most commonly applied to other substances like cigarettes, parsley, mint, or marijuana, and then smoked.

If someone is under the influence of PCP, he or she may show many of the signs of LSD use. PCP is unique, though, because of its power to produce psychosis. PCP can cause extraordinary strength, a sense of invulnerability, and extreme image distortion. Users may become violent causing injury to themselves and others.

PCP episodes or flashbacks may occur long after the drug has left the body.

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

It is illegal to:

1. Use, possess, transport, sell, give away, or offer any narcotics or dangerous drugs.
2. Use, or be under the influence of dangerous drugs, unless they are prescribed by a licensed person, usually a doctor.
3. Encourage, try to sell to, or force any minor to break any of the narcotics laws.
4. Make or use a false or changed prescription.
5. Plant, cultivate, harvest, dry or process marijuana or other drugs.
6. Possess any instrument or means used to inject any illegal drug.
7. Sniff glue or cement with toluene.
8. Use, sell or possess any narcotic or dangerous drug at school or elsewhere.
9. Drive on any highway or road while under the influence of drugs.
10. Own a pipe or other device used unlawfully to smoke an illegal substance, or visit or be in any room where an illegal drug is being unlawfully smoked.
11. To allow minors under the age of 18 into an area of a store which sells or displays drug paraphernalia. (H&S 11350, 11352, 11353, 11357, 11364, 11364.5, 11365; PC 381; VC 23152)

WHAT ARE SOME OF THE RISK FACTORS FOR ADOLESCENT DRUG AND ALCOHOL ABUSE?

1. Family history of alcoholism
2. Family management problems
3. Parental drug use and positive attitudes toward drugs
4. Early antisocial behavior and hyperactivity
5. Academic failure beginning in middle school
6. Little commitment to school
7. Alienation, rebelliousness
8. Friends who use drugs
9. Favorable attitude toward drug use
10. Early first use of drugs

ARE THERE STUDENT DRUG TESTING PROGRAMS?

Three high schools conduct random drug testing programs for students participating in athletics and other extracurricular activities: Willows High School, Orland High School, and Hamilton High School. Students are randomly selected and tested for marijuana, cocaine, methamphetamines, and heroin. Princeton High School also has an agreement with Colusa County to permit drug-sniffing dogs on campus to search lockers and vehicles. Penalties and consequences for positive tests vary by school.

Hamilton High School has a voluntary student drug testing program as well. Parents may request that their student be tested at a cost of \$30 per sample.

TOBACCO

ARE THERE LAWS ABOUT TOBACCO, TOO?

Yes, it is unlawful to sell or give any tobacco product to minors under 18 (PC 308). Students may not use or possess tobacco or tobacco products on school grounds. (EC 48900h) Students may be fined up to \$75 or 30 hours of community service for tobacco possession. PC 308 (b)

SCHOOL

DO I HAVE TO GO TO SCHOOL?

Yes, you do. It is the responsibility of your parents or guardian to see that you go to school full-time from age six to 16. From age 16 to 18, you must attend school either full-time or part-time unless you have been exempted (excused) or have graduated from high school or have taken and passed a special test called the California High School Proficiency Examination. It is also the duty of your parents to reenroll you in a new district if you move. (EC 48200)

RESPONSIBILITIES

WHAT CAN MY PARENTS DO OR NOT DO ABOUT SCHOOLS?

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

Your parents can disagree with the teachers or administrators, but they cannot insult, abuse, or interfere with teachers or administrators. (EC 44811)

Your parents can refuse permission for you to have a physical or psychological examination. They must be notified and give their written permission before you can be given a questionnaire, survey, or examination regarding your parents' or your personal beliefs, sex practices, family life or religion. (EC 49456)

They also have the right to decide whether or not you will attend sex education classes and see the films used in such classes. (EC 51550)

WHAT IS MY DUTY AS A STUDENT?

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

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

While on the school grounds or under school supervision, you are required to avoid unlawful activity, including: sexual behavior, swearing, drinking, gambling, using or possessing dangerous drugs, or using or having tobacco. (B&P 25608; EC 48900, 48910; PC 308)

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

WHAT IS THE JOB OF TEACHERS AND ADMINISTRATORS?

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

Every teacher in the public school must enforce the course of study, the use of certain textbooks, and the rules and regulations required by law. (EC 44805, 48914)

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

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

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

If school administrators have reason to suspect that you are in possession of illegal items, they can search your locker, request that you empty contents of lockers and/or purses, and question you about suspected thefts. Your vehicle may be searched by school personnel if your conduct or the welfare of the school and other students is involved. (EC 49050, EC 49051; PC 1524a(3), 626.10f)

CAN I GO TO A PRIVATE SCHOOL?

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

ARE THERE SCHOOL PROGRAMS FOR DISABLED MINORS?

Yes. Both the Federal Government and the State of California require programs for every kind of disability. Such programs include the disabled in oral communication, the physically disabled, the learning disabled, and the severely disabled. (EC 56000, 56001; US. Public Law 94-142) (Sec 504 Rehabilitation Act)

TRUANCY

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

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

WHAT MIGHT HAPPEN NEXT?

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

WHAT IS SARB (SCHOOL ATTENDANCE REVIEW BOARD)?

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

If there seems to be no solution, or you ignore what the Board directed you to do, the County Superintendent of Schools can request that you appear before the Juvenile Court. (EC 48263, 48403)

Parents who refuse to respond to the School Attendance Review Board (SARB) can have a criminal complaint filed against them, be convicted of an infraction, and be fined. (EC 48291-49293)

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

SUSPENSION AND EXPULSION

WHAT IS "SUSPENSION"?

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

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

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

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

WHAT IS EXPULSION?

"Expulsion" means that you are kicked out of school for "good cause." Your district school board must approve any expulsion action. (EC 48915) When you are expelled from one school you cannot attend any other school in that district except as permitted by the school board order. Expulsion for more serious offenses will prohibit you from attending school in any other school district.

WHAT IS "GOOD CAUSE"?

Students may be recommended for suspension or expulsion upon the first offense of the first five causes. (EC 48900.5, 48915)

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

10. Possession of or possession for sale of drug paraphernalia
11. Disputed school activities or otherwise defied authority
12. Possession of a replica firearm

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

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

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

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

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

The decision of the County Board is final. (EC 48924)

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

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

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

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

It is against the law to pick on or sexually annoy any child under the age of 18. (PC 647a)

TORTS AND CONTRACTS

WHAT IS A TORT?

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

ARE TORTS AND CRIMES RELATED?

Certain conduct can be both a crime and a tort. If, for example, you become drunk, drive a car and cause an accident which injures someone, you have committed a crime for which you may be punished by fine and incarceration. You have also committed a tort and may be required to pay the victim for his damages. Two different courts will be involved in this situation: the criminal court (or Juvenile Court) for the crime, the civil court for the tort. These are two separate proceedings so what you might pay in fines in the criminal court will not be a credit against the damages you pay in the civil court.

HOW ARE THE DAMAGES PAID?

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

IF I AM A MINOR, WHO PAYS THE DAMAGES?

If you are a minor, you are still responsible to pay for your own damages, at least to the extent that you have any property or earnings with which to pay. (CC 1714)

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

Parents can also be responsible for the careless act of a child if they knew or should have known that the child was likely to cause injury or damage, but didn't act reasonably in trying to stop the child.

If the damages are caused by the intentional act of a minor, such as a crime, parents are responsible for up to \$10,000. A common example of this situation is vandalism, when the child intentionally damages another person's property. Other examples can include such things as theft when recovery of the property cannot be made, or physical fights that result in injury. Since insurance policies cover only careless acts, parents may be required to pay for intentionally caused damages out of their own pocket.

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

A minor can recover for injury or property damage. The minor, however, will be required to conduct the law suit through a parent or guardian. (CC 42)

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

There is no constitutional right to an attorney in a tort law suit such that you are entitled to have a court-appointed attorney at no cost. Each person must make his or her own

arrangement for a lawyer. The person who is injured can frequently obtain an attorney by entering into what is known as a “contingent fee” agreement. By this agreement the attorney agrees to represent the person, with the fee being based on the outcome of the case. If the attorney recovers nothing for the client, no fee is paid. If on the other hand there is a recovery of damages, the attorney will receive a certain percentage, usually one-third.

If you are the person being sued, your attorney will be provided by an insurance company without charge if you have insurance. If you do not have insurance, you must make private arrangements with the attorney for payment, usually an hourly rate which can range from \$50 to \$200 per hour, or more, depending on the attorney you hire and the nature of the case.

WHAT IS A CONTRACT?

A contract is an agreement between two or more people to do something, usually in exchange for money. Contracts can be between individuals, companies, and even governments.

MUST A CONTRACT BE IN WRITING?

In many situations a contract does not have to be in writing to be valid. Contracts involving exchanges of money and property of less than \$500 for example, do not have to be in writing to be enforceable. (Com. C 2201) Leases of property that are not over one year in length may be oral. Certain other types of contracts, however, because of their seriousness must be in writing. Sales of land must have a written contract. Where the agreement involves personal property such as a car or other items with a value of over \$500 there must be a written contract.

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

HOW ARE CONTRACTS ENFORCED?

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

CAN A JUVENILE ENTER INTO A CONTRACT?

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

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

TRANSPORTATION

PUBLIC TRANSPORTATION

GLENN RIDE

Glenn Ride provides transportation to people within Glenn County to Hamilton City, Willows, and Orland, and outside the county to Chico. The bus stops at various locations in these four cities.

Buses run as early as 5:15 a.m. and as late as 7:20 p.m., dependent upon the route. Bus fees are \$1 within Glenn County and \$2 to and from Chico. Bus pass books are \$30 and children under six ride free.

For more information, call 1 (800) 800-7433.

BICYCLES

ARE THERE LAWS FOR BICYCLE RIDERS?

Yes. Every person riding a bicycle on a roadway or any paved shoulder of a roadway must obey all the laws that the driver of a car must obey. This means that you can be stopped by a policeman if you break one of the laws, and you may have to go to Juvenile Traffic Court. (VC 12100)

DO I HAVE TO HAVE A BICYCLE LICENSE?

The State of California issues the licenses to counties and cities which issue and/or require licensing of bicycles. Licenses can be obtained at the police department, fire department or bicycle store, depending on your community. (VC 39001)

It is a good idea to have your bicycle licensed, because the police will then have a record of the frame number. If it is stolen and found, they will be able to return it to you. Otherwise, they would probably sell it a public auction, because the name of the owner would be unknown.

DO I HAVE TO WEAR A HELMET?

Persons under age 18 are prohibited from riding a bicycle without an approved helmet. Beginning in 1995, violators will receive a citation. (VC 21212)

SERIAL NUMBERS

It is against the law to remove, or to buy, sell, or possess a bicycle that has a serial number taken off. (PC 537e)

ALCOHOL OR DRUGS

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

MOTOR VEHICLES

WHAT IS CONSIDERED TO BE A MOTOR VEHICLE?

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

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

Yes. The same laws apply to all motor vehicles. Except for a few cases listed in the Vehicle Code, no motor vehicle can be driven on public roads, unless it is registered. Since most mini-bikes are not registered, they can't be driven on the street. If your motor vehicle is registered, you must still have a driver's license to drive it on the public roadway. (VC 310, 415)

All motor vehicles have to be built and equipped to meet legal requirements for lights, brakes, windshields, etc. (VC 2440, 25631, 25650.5, 26700)

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

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

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

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

HOW FAST MAY I GO WITH A MOTOR VEHICLE?

Although California law sets several limits, there is a "basic speed law" which you need to know. It says that the proper speed is one that is right for the weather, visibility, traffic, surface and condition of the road, and which doesn't cause a danger to people or property. This can be slower than the posted speed, but never faster. (VC 22348, 22350)

WHAT ABOUT MOTORIZED BICYCLES (MOPEDS)?

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

Mopeds cannot be operated on sidewalks, bicycle paths, horse trails, or freeways. They can be driven in bike lanes on the side of the roadway.

It is illegal to modify a moped so that it will exceed 30 miles per hour on level ground.

A motorized bicycle operated upon a highway is exempt from registration. (VC 4020)

WHAT ABOUT MOTORCYCLES?

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

MOTORCYCLE HELMETS

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

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

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

CAN I HANG OBJECTS FROM THE REARVIEW MIRROR?

No. You cannot drive a motor vehicle with any object displayed or installed that may affect or reduce the driver's clear vision through the windshield or side windows. (VC 26708)

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

If you are stopped and an officer issues you a citation for a traffic violation, or for any other violation, you must sign the citation even if you feel that you are not guilty. Your signature on the citation is not an admission of guilt, it is only your promise to appear in Traffic Court.

If you have committed a violation of the law, you can be given any one of several penalties. (See Traffic Court) (VC 40502, 42000-02)

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

In order to avoid being charged with "hit and run" if you are involved in an accident, you have a duty by law to stop your vehicle, give your name, address, registration number, the name of the legal owner, and, if asked, show your driver's license. You must give first aid, if you can, and notify the police as soon as you can. (VC 20002)

Above all, don't leave the scene of the accident. Hit and run is a serious offense.

If you hit a parked car, and the owner isn't there, leave information on the outside of the vehicle or property where it is easily seen. (VC 20002)

CAN I RIDE IN THE BACK OF A PICKUP?

No person can ride in the back of a pickup or flatbed truck without an approved restraint system (seatbelt). This law does not apply if the person is in an enclosed camper, camper shell or there is an emergency. (VC 23116)

DRIVER'S LICENSE

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

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

WHAT ARE THESE "NEW TEEN DRIVING LAWS" ANYWAY?

"California Provisional License Law"

The new law restricts some driving conditions. These conditions don't apply if you have a licensed 25 plus-year-old in the car with you.

For the first six months you:

- cannot drive after 12 midnight or before 5 a.m.
- cannot transport anyone under the age of 20, unless they are an immediate sibling

For the second six months you:

- cannot drive after 12 midnight or before 5 a.m., however, you can drive with persons under 20 in your car

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

WHEN I GET IT, HOW DO I KEEP IT, OR HOW CAN I LOSE IT?

If in the first six months you are cited for violating either of the provisions mentioned previously, you will then start your six months all over again and have to pay a fine of \$35 to \$50.

Three points on your record in one year will get you a six month suspension of your license. You get one point for most traffic violations, however, DUI, Reckless Driving, and Accidents are two points. (VC 12814.6)

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

ALCOHOL, DRUGS, AND YOUR DRIVER'S LICENSE

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

1. Your driver's license will be suspended for one year (or delayed for one year if you do not have a license yet) if you are convicted of most drug or alcohol offenses, including simple possession of drugs or alcohol and even if a motor vehicle was not involved in the offense. Under certain circumstances you may qualify for a restricted license to allow you to drive to and from work, school and rehabilitation programs. (VC 13202.5)

2. Your driver's license will be suspended for one year (or delayed if you don't have one yet) if you are convicted of being under the influence of, or in possession of, illegal drugs. No restricted license is available.
3. Your driver's license may be suspended for one year (or delayed if you don't have one yet) if you illegally possess alcohol or drugs, whether or not a motor vehicle was involved in the offense. (VC 13202.5)

PEDESTRIANS

WHAT ARE PEDESTRIAN RULES?

A person who is walking is a pedestrian. Pedestrians should always use sidewalks, if there are any. If there are no sidewalks, they should walk close to the left-hand edge of the roadway, facing the traffic. (VC 21955, 21956)

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

If there are signal lights on both corners of a block, you cannot cross or "jaywalk" in the middle of the block. If there are no signals, or a signal on only one corner, you can cross in the middle of the block if you don't interfere with traffic. (VC 21954, 21955)

HITCHHIKING

WHAT ABOUT HITCHHIKING?

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

SKATEBOARDS

HOW ABOUT SKATEBOARDS?

The city of Willows prohibits skateboarding on a public street, sidewalk, or other property if it is zoned commercial, is an office building, or is public school property.

BOATING REGULATIONS

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

The most frequently violated regulations are:

1. A person under 12 may not operate any watercraft (including jet skies) without direct supervision of a person over 18. A person under 12 also may not act as the observer for a water skier.

2. A life vest must be worn by any person under age seven; any boat over eight feet long must have a life preserver on board.
3. Persons are not allowed to ride anywhere on the boat that is not specifically designed for seating, such as the sides, the bow, and the transom.
4. Operating any watercraft while under the influence of drugs or alcohol, or any reckless operation of a watercraft is a misdemeanor; operating a boat in a manner that causes bodily injury is a felony.
5. The police have the authority to terminate the operation of the boat in certain situations, including overloading of the boat, and no life vests or fire extinguisher when required

HUNTING AND FISHING LICENSES

The Fish and Game Code requires any person 16 or older to have a valid license before they may hunt or fish in any area of the state. (F&G 3031, 7145, 7154) All persons must complete a hunter safety course in order to obtain a hunting license. (F&G 3050) A fishing license must be worn on the outside of the clothing and above the waist so as to be easily visible to Fish and Game officers. Failure to be properly licensed may result in a fine of up to \$2,000 and up to one year in custody. (F&G 12002.1, 12002.2)

WORK

DON'T I HAVE A RIGHT TO WORK?

No. Working for students under 18 is a privilege that has conditions that may be related to grades, school attendance, and citizenship. It is also strictly governed by Federal and State Child Labor Laws. Students over 16 and under 18 must be enrolled in a school program to obtain a work permit.

HOW DO I GET A WORK PERMIT?

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

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

ARE THERE ANY TIMES THAT I DON'T NEED A WORK PERMIT?

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

WHAT SHOULD I BE PAID?

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

ARE THERE SPECIAL LAWS FOR BABYSITTERS?

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

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

YOUR RIGHTS AS A JUVENILE

WHAT ARE YOUR RIGHTS IF YOU GET INTO TROUBLE WITH THE LAW?

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

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

TWO: If you are arrested and taken to a police station, don't answer any questions concerning the proposed charges or offenses at least until your parents have been notified and are with you. You have a right not to talk to the police. If you talk to an officer, make sure you understand why he is questioning you and what your rights are.

THREE: If an arrest is made, you may eventually end up in Juvenile Court. You have the right to a court appointed attorney even if your parents don't want you to have an attorney.

FOUR: If a police officer comes to your home to search the premises and no parent or adult guardian is at home, politely tell the officer to come back when an adult has returned, unless he or she has a search or arrest warrant.

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

HIRING A LAWYER

BY THE CASE: A lawyer may charge a predetermined, fixed amount for specific cases such as making a will, filing for an uncontested divorce, settling a bankruptcy petition, or searching a title for a piece of real estate.

BY THE HOUR (or more exactly, by the minute): Most lawyers charge clients according to time spent, with fees ranging from \$125 per hour to over \$200 per hour, depending on the attorney's experience and expertise. Telephone calls count, and usually so does time spent discussing the case over lunch or dinner. When consulting a lawyer professionally, either in person or on the telephone, it's advisable to get right down to business.

ON A CONTINGENCY BASIS: Most attorneys will take cases involving damages for personal injuries or serious financial losses for a percentage of the amount the client is awarded. Usually, the lawyer gets one-third of the award if the case is settled out of court, 50% or more if a courtroom appearance is required. This may seem like a great deal of money, but lawyers receive no payment, except their own expenses, if the case is lost.

NOTE: BEFORE RETAINING AN ATTORNEY, ASK HOW HE SETS HIS FEE AND HOW MUCH HE ESTIMATES THE SERVICE WILL COST.

MEDIATION

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

Mediation is particularly effective when an ongoing relationship exists between the parties in conflict such as teen/parent, teen/teacher, landlord/tenant, friends, family members, neighbors, etc. Some forms of resolution solve the problem but one party is left feeling they **“lost,” were taken advantage of, treated unfairly, or perhaps the relationship itself is damaged forever.** This is particularly unfortunate when a disputant must continue to be in the relationship by definition, as with parents and teens, siblings, business associates, or neighbors. Because the disputants craft an agreement themselves, mediation allows the problem to be solved while maintaining the relationship and allowing both parties to “save face.”

HOW DOES THE MEDIATION PROCESS WORK?

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

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

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

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

If you have been referred to mediation by the courts your written agreement can be entered into the record of the court if you so desire.

WHAT ARE THE BENEFITS?

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

WHO CAN MEDIATE?

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

HOW THE LAWS CHANGE WHEN YOU BECOME 18

JURY DUTY

You are eligible for jury duty if you are 18 and a U.S. Citizen and are able to read and understand the English language. If you are called to serve on a jury, you must report. The county will pay you \$5 per day if you are selected to serve. Jurors are selected from voter registration and Department of Motor Vehicles records.

VOTING

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

TRANSPORTATION

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

MARRIAGE

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

CONTRACTS

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

CREDIT

You must pay for what you buy on credit after you turn 18. Your parents don't have to bail you out financially. If you fail to pay your debts on time, the creditor may file a negative credit report against you. A negative credit report will make it more difficult to borrow money later on.

GUNS

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

TOBACCO

At 18 you may legally possess tobacco products.

MILITARY SERVICE

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



Be Tobacco Free

**YOU CAN DO IT!!!
BREAK THE HABIT..**

1-800-8-NO-BUTTS (English)
1-800-45-NO-FUME (Espanol)
or

Glenn County Health Education 934-6506

Provided by
Prop. 99 Funds

NEED HELP?

EMERGENCY – DIAL 9-1-1

AMBULANCE: Westside 865-3998

POLICE: Orland 865-1616, Willows 934-3456

GLENN COUNTY SHERIFF'S: Orland 865-1122, Willows 934-6431

HIGHWAY PATROL: Willows 934-5424

FIRE: Hamilton City 826-3355, Orland 865-4438, Willows 934-3321

ARE YOU SAFE?

CHILD ABUSE 24-hour Hotline: (800) 339-9236 or (530) 934-6520

NATIONAL RUNAWAY Crisis Hot Line: (800) 621-4000

CALIF YOUTH Crisis Hot Line: (800) 843-5200 (missing/runaway children)

VICTIM WITNESS ASSISTANCE: (530) 934-6510

RAPE CRISIS CENTER: (877) 452-9588 or (530) 342-7273

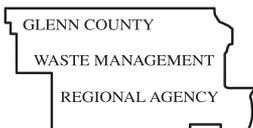
SUICIDE PREVENTION Crisis Hotline: Days (530) 934-6582 or Nights & Weekends (800) 700-3577

DOMESTIC VIOLENCE/SEXUAL ASSAULT: (530) 934-6416 or (800) 799-7233 (national)

CHILD PROTECTIVE SERVICES: (530) 934-6520

ADULT PROTECTIVE SERVICES: (530) 934-6520 or after 5 p.m. (530) 934-6519

**“If you’re not buying recycled,
you’re really not recycling.”**



OFFICE OF EDUCATION

**"Quality Programs and Service
for Lifelong Learning"**

GLOSSARY

(Commonly used law terms and their definitions)

ADJUDICATORY HEARING: The procedure used to determine the facts in a juvenile case; similar to an adult trial, but generally closed to the public.

APPEAL: To resort to a higher court for the purpose of obtaining a review of a lower court's order. The person who seeks such a review is called an appellant and the person against whom the appeal is filed is called the appellee.

ARRAIGNMENT: A court session at which a defendant is charged and enters a plea. For a misdemeanor, this is also the defendant's initial appearance, when the judge informs him or her of the charges and sets the bail.

ASSAULT: To attempt to hurt someone physically in a way that makes the victim feel immediately threatened. There is no need for physical contact.

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

BAR: A partitioned railing running across a courtroom intended to separate the general public from the space occupied by the judges, counsel, jury and others concerned in the trial of a case.

BATTERY: Any intentional, unlawful physical contact inflicted on one person by another without consent.

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

BEYOND A REASONABLE DOUBT: The level of proof required to convict a person of a crime. It does not require that one be "convinced 100 percent." It does mean, however, that there should not be any reasonable doubts as to a person's guilt.

BURGLARY: Breaking and entering a building with the intention to commit a felony.

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

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

CLASS ACTION: A suit brought by several persons who have suffered the same kind of harm, on behalf of others in similar circumstances at the hands of a defendant.

COMMON LAW: The "unwritten" law, a body of court decisions declaring what the law is, was inherited from England and enlarged and changed by our court. The rule that "you are presumed innocent unless proven guilty beyond a reasonable doubt" is from the common law.

COMPLAINT: The first paper filed in a civil lawsuit which states the wrong done to the plaintiff by the defendant.

CONTRACTS: That body of law governing the agreement process.

CONCENTRATED CANNABIS: A resinous form of concentrated marijuana sometimes referred to as "Hash" or Hashish.

CRIMES: types of:

Felony: A crime which may result in imprisonment in the state prison.

Misdemeanor: A crime which may result in imprisonment for up to one year in the county jail.

Infraction: Charge of breach of a state or municipal ordinance, or for instance, a parking ticket and most minor traffic offenses.

CRIMINAL JUSTICE PROCESS: The system by which government enforces criminal law. It includes everything from the arrest of an individual to the individual's release from control by the state.

CROSS-EXAMINATION: Examination of a witness upon a trial or deposition by the party opposed to the one who produced him, to test the truth of the testimony of the witness.

C.Y.A.: California Youth Authority. A state agency charged with supervising and coordinating the many functions of the state in its dealing with youthful offenders, including the operation of state detention facilities.

DEBT:

Creditor: One to whom a debt is owed.

Debtor: One owing a debt.

Garnishment: Attachment of a debt, often wages owed, to satisfy a claim against a debtor.

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

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

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

DELINQUENT OFFENDER: A minor who has committed an offense ordinarily punishable by criminal processes. Such offenders are usually processed through the juvenile justice system.

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

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

DISPOSITION: The word used in the Juvenile Justice System when referring to the outcome of a Juvenile Court proceeding; similar to "sentencing" in adult court.

DIVERSION: The alternative handling of selected offenders away from the formal court system to community based organizations as a viable delinquency prevention technique.

DRUNKEN DRIVING: (Driving while intoxicated) The operation of a motor vehicle while intoxicated (overcome by alcohol to the point of losing control over one's conscious faculties). In California, a drunken person's blood-alcohol concentration is 0.08 percent or above (0.01 percent for a minor).

DUE PROCESS: Minors and their parents are guaranteed due process by the U.S. Constitution. This means that you will be given advance notice of all hearings and that you have a right to present your side; legal procedures must follow a set of rules and principles that are meant to guarantee justice and fair play.

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

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

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

GUARDIAN: An adult who has been given the right to make decisions on behalf of a child or disabled adult. Guardians are also often given custody of the child or children for whom they are responsible.

HABEAS CORPUS: An ancient writ, literally meaning “produce the body,” which demands that one who has a person in custody justify the grounds for detaining him.

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

HATE CRIME: Any crime committed against a person (or his or her property) because of his or her perceived race, ethnicity, religion, ancestry, national origin, disability, gender, or sexual orientation.

HEARING: A constitutionally required formal proceeding in which the accused is given notice of charges brought against him or her and then has an opportunity to present a defense.

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

INFRACTION: Those offenses not constituting either misdemeanors or felonies, are infractions. They are never punishable by imprisonment and usually carry a fine or community work service as a consequence. (Ref. Section 19 PC)

JURY: A body of men and women selected to examine certain facts and determine truth in a legal proceeding.

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

JUVENILE COURT: Courts established by a state to hear matters involving youngsters under the age of 18 who have either been abused or neglected by their parents or found to be outside the control of their parents, or who have committed a crime.

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

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

MALICE: Ill will; intent to harm.

MINOR: A person who has not reached the age of majority.

MINOR STATUS:

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

- the person has entered into a valid marriage, whether or not the marriage has been dissolved;
- the person is on active duty with the armed forces; or

- the person has received a declaration of emancipation under 7122 (Cal. Fam
- Code 7050 (e) (1)) An emancipated minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability.

MIRANDA WARNINGS: Rights that a person must be told when arrested or taken into custody by police or other officials. These include the right to remain silent, to contact a lawyer, and to have a free lawyer if the person arrested cannot afford one.

MISDEMEANOR: All crimes which are not felonies or infractions are misdemeanors. A person may be imprisoned in the county jail for up to a year for this offense.

MITIGATING FACTORS: Factors that may lessen the seriousness of an offense. The presence of these factors may be considered by the judge or jury.

MORAL TURPITUDE: Dishonesty or vileness of a high degree.

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

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

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

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

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

PREPONDERANCE OF THE EVIDENCE: The standard of proof generally used in civil suits. To prevail, the party must provide a greater weight of evidence. This greater weight is based not merely on the type of evidence presented or the number of witnesses, but on the believability and importance of that evidence and their testimony.

PRINCIPAL: (1) The person who actually commits a crime; (2) the amount of money borrowed or loaned. This amount does not include interest.

PROBABLE CAUSE: A reasonable belief, known personally or through reliable sources, that a person has committed a crime.

PROBATION: A period of time when a minor is under the supervision of a probation officer to make sure court orders against the minor are followed.

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

PUBLIC DEFENDER: An attorney who is paid by the county to defend those without money who are accused of committing crimes.

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

REASONABLE PERSON STANDARD: The idealized standard of how a community expects its members to act. It is based on the degree of care that persons of ordinary prudence would exercise in particular situations.

RESTITUTION: Money paid to victims by the offender to make up for harm or damage done. S.A.R.B.: **Acronym for School Attendance Review Board.**

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature that usually occurs in the workplace.

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

SMALL CLAIMS COURT: A small claim varies from state to state, but in California, the upper limit is \$5,000. Attorneys are not allowed, you argue your case before the judge, providing all relevant documents, witnesses and any other material that you feel has a bearing on your claim.

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

SPECIFIC PROVISIONS:

Age of Majority: The age of majority is 18. (Cal. Fam. Code 6500)

Voting Age: The voting age is 18. (Cal. Constit. Art. 2, 2)

Drinking Age: The drinking age is 21. (Cal. Bus. & Prof. Code 25658)

STATUS OFFENDER: Noncriminal conduct unique to the status of being a minor. A person described in Welfare and Institutions Code Section 601. An incorrigible, runaway, truant, or curfew violator.

STATUTE: A legislatively enacted law.

STATUTORY RAPE: Unlawful sexual intercourse with a minor as defined in Section 261.5 of the Penal Code.

SUBPOENA: A process commanding a witness to appear before a court at a time mentioned, to give testimony.

SUBPOENA DUCAS TECUM: A process commanding a witness who has in his possession or control documents or papers pertinent to the issue of a controversy, to produce them at the trial of the case.

SUSTAINING OF A PETITION: Juvenile equivalent of a conviction.

T.A.N.F.: Acronym for Temporary Aid to Needy Families (formerly A.F.D.C.). A social program designed to provide financial aid to needy families.

TEMPORARY CUSTODY: Juvenile equivalent of arrest.

TEMPORARY RESTRAINING ORDER (TRO): An order issued by a court to prevent a change in the status quo. In interpersonal settings, a TRO is sometimes issued by a court to prevent one person from hitting another person or from snatching a child in a custody dispute. A TRO is temporary and may be issued without calling together both parties to the dispute. Often, a court will later hold a hearing to see whether the TRO should be made into a permanent injunction.

TORT: The law of private wrongs, governing the behavior of persons and setting out their obligations toward each other, such as in accidents or other damages caused by careless acts.

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

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

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

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

WELFARE AND INSTITUTIONS CODE: A collection of laws dealing with minors and institutions.

WILLS AND TRUSTS:

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

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

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

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

Intestate: One who dies having no will.

Testator: One who makes a will.

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

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

Youth Programs

For eligible youth 15 to 21 years old:

- Pre Employment Skills Training
- Paid Work Experience Training
- Summer Youth Employment & Training Program
- Career Exploration
- Classroom Training
- Supportive Services

Let HRA Employment Services get you off to a good start.

For more information on our cost free programs call:

HRA Career Center, 902 Sixth Street

Orland: 865-1127

HRA Employment Services, 420 E. Laurel St.

Willows: 934-6490

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Glenn County Sheriff's Department

Change the world...
By changing the life of a child

Be A Mentor!

The Glenn County
Mentoring Connection



investing in our future
one kid at a time

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